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THE LAW
OF
SALMON FISHERIES.
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THE LAWS
RELATING TO
SALMON FISHERIES.



THE LAWS
RELATING TO
SALMON FISHERIES
IN
GREAT BRITAIN,
INCLUDING
THE STATUTES PASSED DURING THE LAST SESSION OF PARLIAMENT
FOR ENGLAND AND SCOTLAND, AND THE WHOLE OF THE
SCOTCH BYELAWS.

BY
THOMAS BAKER, Esq.,
OF THE INNER TEMPLE, BARRISTER-AT-LAW; OF THE SALMON FISHERIES OFFICE;
AUTHOR OF
"THE LAWS RELATING TO PUBLIC HEALTH—SANITARY, MEDICAL, PROTECTIVE;"
"THE LAWS RELATING TO BURIALS," &c., &c.

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PREFACE.

THE Salmon Fisheries of this country have, by long neglect, become greatly injured. Poachers, thoughtless anglers, ignorant fishermen, and, above all, the abuses arising from the use of fixed engines, and the loose manner in which the close seasons were fixed, threatened the total destruction of the fish. To remedy this state of things, several statutes have at length been passed, applicable to Great Britain.

In 1861, a general measure was enacted for England, by which an attempt was made to consolidate the law in relation to Salmon Fisheries ; but it was soon found necessary to amend and considerably extend its provisions, which was accomplished by the Amendment Act of 1865.

Several Acts, also, were from time to time passed for Scotland, by virtue of which various byelaws have been made by Commissioners appointed for the purpose, and confirmed by the Secretary of State.

The plan of the following digest of these laws is to give at one view, under each division of the subject, the substance of the English Acts, referring in notes to the points of difference in the Scotch statutes, together with analyses of the auxiliary and incorporated Acts, reports of decided cases, &c., &c.

In an Appendix, the several enactments for both countries are printed at length ; also the whole of the byelaws made under the statutes for Scotland.

*4, Old Palace Yard, Westminster,
February, 1866.*

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THE LAWS
RELATING TO
SALMON FISHERIES
IN
GREAT BRITAIN.

SALMON FISHING IN GENERAL (a).

THE Salmon Fishery Act of 1861 (b) clears the way from all previous legislation, by enacting that from and after the commencement of that Act the several Acts and parts of Acts respecting Salmon set forth in the schedule thereto are repealed, as therein expressed, &c. : (24 & 25 Vict. c. 109, s. 39).

To prevent any misapprehension, it is defined that the word "salmon" includes all migratory fish of the genus salmon, whether known by the names salmon, cock or kipper, kelt, laurel, girling, grilse, botcher, blue cock, blue pole, fork tail, mort, peal, herring peal, May peal, pugg peal, harvest cock, sea trout, white trout, sewin, buntling, guiniad, tubs, yellow fin, sprod, herling, whiting, bull trout, whitling, scurf, burn tail, fry,

(a) To present the state of the law clearly at one view, a digest of the provisions of the English Salmon Fishery Acts is here inserted under each separate head, the main points of difference in the Scotch statutes being pointed out in the notes. The whole of these enactments, both for England and Scotland (each complete in itself), will also be found chronologically arranged in the Appendix.

(b) See this Act, Appendix, p. 61.

samlet, smolt, smelt, skirling or scarling, parr, spawn, pink, last spring, hepper, last brood, gravelling, shed, scad, blue fin, black tip, fingerling, brandling, brondling, or by any other local name; and that the expression "young of salmon" includes all young of the salmon species, whether known by the names of fry, samlet, smolt, smelt, skirling or skarling, par, spawn, pink, last spring, hepper, last brood, gravelling, shed, scad, blue fin, black tip, fingerling, brandling, brondling, or by any other name, local or otherwise: (24 & 25 Vict. c. 109, s. 4).

The term "river" includes such portion of any stream or lake, with its tributaries, and such portion of any estuary, sea, or sea coast, as may be declared by the certificate of the Secretary of State to belong to such river. "Salmon river" shall mean any river frequented by salmon or young of salmon: (28 & 29 Vict. c. 121, s. 3).

After a time to be appointed in a Fishery District, formed by virtue of the Salmon Fishery Amendment Act 1865 (*a*), any person fishing with a rod and line for salmon without a licence is liable to a penalty of not less than double the amount to be paid for the licence, and not exceeding five pounds (*b*): (28 & 29 Vict. c. 121, s. 35).

(*a*) See this Act, Appendix, p. 79.

(*b*) By the Larceny Consolidation Act (24 & 25 Vict. c. 96, s. 24), the taking of fish in any water in land belonging to a dwelling-house is declared a misdemeanor, which may be punished by fine and imprisonment. By the same section the taking fish in a private fishery not contiguous to a dwelling is punishable by fine not exceeding five pounds over and above the value of the fish so caught. Anglers, however, are excepted from these penalties unless the fish be taken at night; but instead thereof they are in the first case liable to a penalty of 5*l*., and in the second of 2*l*.. The fishing-tackle in such cases may be seized on the spot, and converted by the owner of the fishery or his servant; upon which, in the case of an angler by day, the offender will be

Further, as to licences, see "Proceedings of District Conservators."

To protect the fish from poisonous substances it is provided that every person who permits to flow, or permits to be put into any waters containing salmon, or tributaries thereof, any liquid or solid matter, as to cause the waters to poison (a) or kill fish, will incur upon the first conviction a penalty not exceeding five pounds; upon the second not exceeding ten pounds, and a further penalty not exceeding two pounds for every day during which such offence is continued; and upon the third, or any subsequent conviction, a penalty not exceeding twenty pounds a day for every day during which such offence is continued, commencing from the date of the third conviction. But no person will be subject to these penalties for any act done in the exercise of any right, if he prove that he has used the best practicable means, within a reasonable cost (b), to render harmless the matter so permitted to flow or to be put into waters; nor will this prevent any person from acquiring a legal right in cases where he would have

exempt from further penalties (s. 25). Force can only be resorted to after failure of reasonable demand (*Wisdom v. Hodson*, 3 Tyr. 811); and if not taken in the act the offender must be summoned. By the 103rd section of the same statute, any offender found in the act (except in the case of an angler by day) may be apprehended by any person without warrant.

(a) As to malicious poisoning of fish, see note (b), p. 22.

(b) It will be seen that the proof of having used the best means within a reasonable cost lies upon the defendant; and it will be for the jury to say what is reasonable in the particular case before them. It is obvious that, for preventing the destruction of fish, a mining company realising an immense income might reasonably be called upon to expend a much larger sum than an individual proprietor of a small paper-mill. By "The Gas Works Consolidation Act," 10 Vict. c. 15, s. 25, a penalty of 20*l.*, and 10*l.* per day after notice, is imposed for fouling any water by gas within the limits of any special Act with which its provisions may be incorporated.

acquired it if the Act had not passed, or exempt any person from any punishment to which he would otherwise be subject, or legalise any act or default that would but for the Act be deemed to be a nuisance (a), or contrary to law: (24 & 25 Vict. c. 109, s. 5).

(a) By the Common Law, anything which causes injury to the natural rights of property is a nuisance. No actual injury need have happened—it is sufficient if the thing complained of be likely to produce it (*Reg. v. Vantandillo*, 4 M. & S. 73). Thus, any noxious manufacture polluting the air or water, the stoppage of a watercourse, &c., are nuisances; and it has been established by numerous decisions that no length of time will legitimate a public nuisance. The remedy is by indictment, or, in private nuisances, by action (*Reg. v. Pappineau*, 1 Stra. 686; *Reg. v. White*, 1 Burr, 333); but the nuisance may in certain cases be removed by the suffering party (*Earl of Lonsdale v. Nelson*, 2 Q. B. 311; *Jones v. Williams*, 11 M. & W. 176; *Perry v. Fitzhove*, 8 Q. B. 776). To prevent mischief, a Court of Equity will grant an injunction (*Broadbent v. Imperial Gas Company*, 7 H. L. Cases, 612; *Potts v. Levy*, 2 Dr. 272; *Earl of Ripon v. Robart*, 3 My. & K. 169); if, however, the application be delayed without a sufficient cause, it will be refused. Thus, the owner of a house near a railway station allowed a siding to be used for unloading manure for three years without complaint, and after complaint of the nuisance suffered a fourth year to elapse before filing his bill for an injunction, no action at law having been brought. Held: that on the grounds of delay and acquiescence he was not entitled to the relief sought. Wood, V.C., observed, "The plaintiff having delayed to take any steps for four years, having brought no action to establish his legal right, having stood by and seen money laid out on the siding, and the traffic increase, without making any objection, could not now be permitted to ask the Court to do what, in effect, would be to stop the traffic of the company (*Swaine v. Great Northern Railway*, 3 New Reports, 109). On appeal, this decision was affirmed by the Lords Justices (3 New Reports, 399). Nor will the Court grant an injunction to prevent an apprehended nuisance from the discharge of sewage into a river, which—the works not being complete—has not arisen (*Attorney-General v. Kingston Corporation*, 12 L. T. (N.S.) 665; 6 New Reports 248; 11 Jur. (N.S.) 596); but where there was an undisputed pollution by sewage of an ancient stream, to the use of which a private person had a right, it was [held not necessary to wait until an undoubted public nuisance had been thereby caused, and accordingly an injunction was granted (*Goldsmid v. Tunbridge Wells Commissioners*, 13 L. T. (N.S.) 352; and see *Lingwood v. Stowmarket Paper Company*, 1 Law Rep. Eq. 77, 386; 13 L. T.

Where, however, any proceedings are instituted by any complainant against any person for the recovery of any such penalties, and "the defendant" alleges that

(N.S.) 540). So, also, to restrain a local board of health from discharging sewage into a river to the injury of the lessee of a mill; and for disobedience to such injunction, sequestration was issued: (*Spokes v. Banbury Local Board*, 13 L. T. (N.S.) 428). Subsequently confirmed on appeal: (*Ib.* 453).

Where a local board of health had improperly executed works of sewerage under the provisions of the Public Health Act in that behalf, so as to cause a nuisance, it was held that an action against the board might be maintained: (*Itchin Company v. Southampton Local Board*, 28 L. J. (Q. B.) 41. See also *Attorney-General v. Luton Local Board*, 2 Jur. (N.S.) 180; *Oldaker v. Hunt*, 6 De G. M. & G. 376; 1 Jur. (N.S.) 785).

Such local boards have no power to construct sewers so as to cause the water of a canal to be fouled: (*Manchester, &c., Railway v. Worksop Local Board*, 26 L. J., Ch. 245; 23 Beav. 198).

In all cases where a stream has been injuriously affected by works under the Public Health Act, executed without the consent of the riparian proprietor, his remedy is by action and not by proceedings for compensation. Blackburn, J.: "The local board have made some sewers, under the Public Health and Local Government Acts, and have thereby caused more or less affection to a water stream on which the plaintiff has a mill, to which (though not an ancient one) he had a right as riparian owner to have the water flow without being interfered with; and the question is, whether that interference by the defendants is a matter for which he is entitled to compensation under the Acts, because, if so, the *mandamus* ordering the defendants to make compensation would be right enough; if, however, it is not a matter for compensation, but for which the remedy, if any, is by action at Common Law, then the *mandamus* ought not to go. The general rule is, that where something is done which interferes with the rights of an individual, and would therefore be actionable at Common Law, but which has been authorised by the Legislature, there, though it is a *damnum* to the party affected, it is no longer an *injuria*, and the loss must fall on him. To prevent that injustice the Legislature has said in most of the Acts authorising interference with private rights, that the parties affected shall be compensated whenever they are injured by the exercise of the powers given by the statute; and where the thing done is authorised by the statute, the action at Common Law is taken away, and it is the object of compensation only. Where, however, the act done is not authorised by the statute, the action at Common Law remains. Our judgment must be for the defendants:" (*Taylor v. Darlington Local Board*, 4 New Reports, 394; .

he has used the best practicable means, within a reasonable cost, to render such matter harmless, and proves that the expense of permanently preventing the matter complained of would, exclusive of costs, exceed one hundred pounds, and gives security duly to prosecute his appeal, all proceedings shall be stayed, and the complainant may bring his action (*a*), and deliver to the defendant an issue or issues whereby the question whether he has used the best practicable means, within a reasonable cost, to render such matter harmless, may be tried; the form of such issue or issues, in case of dispute, to be settled by the Court in which the action is brought: (24 & 25 Vict. c. 109, s. 6).

The verdict of the jury on such issue will be conclusive as to the questions involved in any subsequent proceedings for the recovery of penalties, and any costs incurred before the Justices will be deemed to be costs incurred in such action: (24 & 25 Vict. c. 109, s. 7).

And to guard against the undue escape of fish by artificial channels, it is enacted that where salmon, or the young of salmon, are led aside out of a main stream by means of any artificial channel used for supplying towns with water, or any navigable canal, the persons having the control over such artificial channel must put up and maintain a grating or gratings across such channel for preventing the descent of the salmon or the young of salmon, in such manner as may be approved by one of the Inspectors of Fisheries; and any

(*a*) Although any proprietor of a fishery might well lay a complaint to recover penalties before the justices, he can seldom be expected to proceed by action where the defendant claims exemption on this ground without the assistance of an association or board of conservators, otherwise the value of his fishery might be swallowed up in costs.

person failing to put a grating in cases where they are so required will incur a penalty not exceeding five pounds for every day during which he fails to comply with these provisions ; and failing to maintain the same, a penalty not exceeding one pound for every day during which such failure continues : Provided, that no such grating is to be so placed as to interfere with the passage of boats on any navigable canal : (24 & 25 Vict. c. 109, s. 13).

In reference to the means to be employed for taking fish, and to prevent poaching (*a*), no person is allowed to use any light for the purpose of catching salmon ; or to use any spear, gaff, strokehall, snatch, or other like instrument ; nor must he have in his possession a light or any of these instruments under such circumstances as to satisfy the court that he intended at the time to catch salmon by their means. And any person acting in contravention will incur a penalty not exceeding five pounds, and forfeit any such instruments used by him or found in his possession (*b*) ; but this does not apply to any person using a gaff as auxiliary to angling with a rod and line : (24 & 25 Vict. c. 109, s. 8).

No person is allowed to use any fish roe for fishing or to buy, sell, or expose for sale, or have in his possession, any salmon roe ; and any person acting in contravention will for each offence incur a penalty not exceeding two pounds, and forfeit all salmon roe found in his possession. But this does not apply to any person who uses salmon roe for artificial propagation or other scientific purposes, or gives any reason satisfactory to

(*a*) Owners of the opposite banks of a river have only the right of fishing from their own side to the middle of the stream.

(*b*) For penalties for similar offences in Scotland, see 25 & 26 Vict. c. 97, Appendix, p. 111.

the court for having the same in his possession : (24 & 25 Vict. c. 109, s. 9).

In any Fishery District subject to a Board of Conservators, appointed under the Salmon Fishery Amendment Act 1865, the foregoing restrictions as to fishing with lights, spears, and other prohibited instruments, and to using roe as a bait, apply also to trout in a salmon river, situate in such Fishery District ; but this does not apply to any person having in his possession trout or trout roe for artificial propagation or other purpose, if such person has the permission of the Conservators of the District in which the river runs from whence such trout or trout roe has been taken to catch such trout, and to have in his possession such trout or trout roe for these purposes : (28 & 29 Vict. c. 121, s. 64).

To prevent the prodigal destruction of the young fish, no person is permitted to take salmon with any net having a mesh of less dimensions than two inches in extension from knot to knot (the measurement to be made on each side of the square), or eight inches measured round each mesh when wet (a) ; and any person acting in contravention of this provision is liable to forfeit all nets and tackle so used, and for each offence to incur a penalty not exceeding five pounds ; and the placing two or more nets behind or near to each other in such manner as to practically diminish the mesh of the nets used, or the covering the nets used with canvas, or the using any other artifice so as to evade these provisions with respect to the mesh of nets, will be deemed to be an act in contravention thereof : (24 & 25 Vict. c. 109, s. 10).

(a) In Scotland the size of the meshes of nets is fixed by bye-laws of the commissioners, authorised under 25 & 26 Vict. c. 97 (see Appendix, pp. 103, 183).

As to "Regulation of Fishing Weirs," &c., "Fixed Engines," "Close Season," "Destruction of Unseasonable Fish," "Proceedings of Boards of Conservators, and Licences," also "Legal Proceedings," see these heads respectively.

REGULATION OF CLOSE SEASON.

With reference to fishing at unseasonable times, it is provided that no person is to fish for salmon between the first of September and the first of February (a), except that it is lawful to fish with a rod and line between the first day of September and the first day of November inclusive; and any person acting in contravention of this provision will be liable to forfeit any salmon caught by him, and in addition incur a penalty not exceeding five pounds, and a further penalty not exceeding two pounds for each salmon so caught (24 & 25 Vict. c. 109, s. 17): and where any person has been convicted of such an offence, he shall, in addition to the penalties incurred, forfeit any net or movable instrument used in committing such offence, and the convicting justices are to direct the same to be sold or destroyed, and the proceeds paid to the Conservators of the District: (28 & 29 Vict. c. 121, s. 58).

In any Fishery District subject to a Board of Conservators appointed under the Salmon Fishery Amendment Act 1865, no person is allowed to fish for trout in a salmon river situate in such Fishery District, between the second of November and the first of February; and any

(a) In Scotland the annual close time is to continue for 168 days, which period is prescribed by the Act without any discretion on the part of the Secretary of State; the commencement of such close time, however, is fixed by bye-laws of the commissioners, authorised under the 25 & 26 Vict. c. 97 (see Appendix, pp. 103, 176).

person wilfully so doing will be liable to forfeit any trout (a) caught by him, and in addition to a penalty not exceeding two pounds for each offence: (28 & 29 Vict. c. 121, s. 64).

The proprietor or occupier of every fishery (b) for salmon must within thirty-six hours after the commencement of the Close Season cause to be removed and carried away from his fishery the inscales, hecks, tops and rails of all cruives, boxes, or cribs, and all planks and temporary fixtures used for taking salmon, and all other obstructions to the free passage of fish through the

(a) A person might take trout when fishing for perch: (see Note, p. 16). In the somewhat parallel case of taking unseasonable salmon accidentally, the penalty is avoided if the fish so caught be immediately returned to the water: (see 24 & 25 Vict. c. 109, s. 14).

(b) There has been from time to time much discussion as to the proper definition of different rights of fishery, and numberless cases appear in the books. The result seems to be that: 1st. A *several fishery* is the exclusive right of the owner of the soil to fish in water above the soil, but if this exclusive right be granted entire to another, it will remain a several fishery. 2nd. A *free fishery* is an acquired right to fish by one who is not the owner of the soil, enjoyed in common with other persons. 3rd. Where the right of fishing has been concurrently acquired by several persons by long usage without any specific grant, it is termed a *common of fishery*; and is of a similar nature to other commonable rights, varying according to the custom of the manor, and may be attached to a house, to adjoining land, or simply acquired by user. The *common of fishery* must not be confounded with a *common fishery*, which is the right of every one to fish in navigable waters. In the absence of any exclusive right acquired, all persons have an equal right to fish within three miles of the sea-shore or in any navigable river, nor can there be any modern grant in derogation of such right (*Blundell v. Catterall*, 5 B. & Ald. 304), though such exclusive right might have been obtained by royal charter before the time of Magna Charta, or by lengthened prescription.

In Scotland the power to grant the right of salmon fishing in all waters by nets, &c., is still vested in the Crown, unless such right be already granted to a subject (*Gammell v. Commissioners of Woods*, 3 Macq. 442), the right of rod-fishing being in the riparian proprietor. (*Duke of Sutherland v. Ross*, 14 S. D. 960). See also note, p. 104.

cruives, cribs, and boxes (a); and if any proprietor omits to remove any things so required to be carried away, he is liable to forfeit all the engines or other things that are not removed; and for every day during which he suffers

(a) The mere removal of the hecks from a fishing milldam so that it cannot be used for fishing, is not a sufficient compliance with the requirements of the law. The following case was an appeal from the decision of justices: The appellant had been convicted under the 20th section of the Salmon Fishery Act 1861 (24 & 25 Vict. c. 109), for obstructing salmon in passing up a river after the commencement of the annual close season.

The appellant was the occupier of a mill on the river Tees, and a fishing milldam which had been constantly used for the purpose of fishing. On the 19th of May last, by the desire of his landlord, he ceased from fishing, and took away the hecks which were necessary for that purpose. The milldam remained: it extended across the river and prevented any salmon (except extremely active ones) from passing up the river. He was fined for not leaving the sluices open when the close season commenced, this season extending from September 1st to February 1st. Part of the dam was also forfeited by the justices.

ERLE, C.J.: The appellant in this case is the occupier of a mill and fishing milldam, and has been convicted under the 20th section for not removing obstructions to salmon in passing up the river during the close season. He had a fishery, *i.e.*, a material contrivance or engine for taking fish. The 20th section provides that in the close season all obstructions shall be removed. It seems to me that the conviction is supported by the direct words of the section. Though the hecks have been removed so that the fishery is not available at present, yet the rest of the fishing milldam remains, and no fish can pass except a few that are extraordinarily active. It seems the purpose of the Legislature to secure a free passage for the fish, and old dams must be altered to effect it. The appellant says that his old fishery is changed into a milldam, but the grand question is whether he can be allowed to obstruct the fish, and on that point I am clear, and the conviction was right.

WILLES, J.: I am of the same opinion. The Legislature says that all obstructions of whatsoever nature must be removed.

BYLES, J.: The conviction is substantially right. The Act provides for the free passage of the fish all up the stream, and it must be construed so as to preserve that passage. This comes within sect. 25; it is either a new dam, or such an alteration of an old one as to cause a complete obstruction. The word fishery comprehends a fixed apparatus for fishing; there was one till the 19th May, and since then there has been neither a formal nor a legal abandonment of it. It might be

such things to remain unremoved beyond the period prescribed, to incur a penalty not exceeding ten pounds : (24 & 25 Vict. c. 109, s. 20).

With regard to Weekly Close Time, no person is allowed to fish for or kill, by any means other than a rod and line, any salmon between noon on Saturday and six o'clock on Monday morning (a) ; and any person acting in contravention is to forfeit all fish so taken, and any net or movable instrument so used, and in addition incur a penalty not exceeding five pounds, and a further penalty not exceeding one pound for each fish so taken. But this does not compel the owner of any putts or putchers to remove the same during such time if he lets down a net or uses such other device as the Home Office approves for preventing salmon passing into the putts or putchers during such Weekly Close Time (b) : (24 & 25 Vict. c. 109, s. 21).

The proprietor or occupier of every fishery must, between noon on Saturday and six o'clock on Monday

used again to-morrow. This is a case in which we should put a wide and beneficial construction on the Act.

KEATING, J. : I am of the same opinion. The fish have been obstructed. Conviction affirmed: (*Hodgson v. Little*, 8 L. T. (N.S.) 358 ; 2 New Reports, 79).

(a) Thus it will be seen that the weekly close time applies only to nets and other fixed engines, but that the rod may be used every day throughout the season ; and, further, that the angler has two months longer allowed him than the net fisherman. This, at the first glance, may appear unduly to favour the sportsman ; but the idea vanishes when it is considered that nets, &c., when down, are perpetually at work, in light and darkness, calm and storm, sunshine and shade ; whilst fish can only be taken with the rod by daylight, with the aid of sunshine and a rippling breeze. Strike off the unfavourable hours, and times of flood, from the angler's lengthened period, and add the nights to the days of the fisherman, the balance will at once be turned immensely in favour of the latter.

(b) In Scotland the weekly close time, in no case less than thirty-six hours, is fixed by byelaws of the commissioners, authorised under the 25 & 26 Vict. c. 97 (see Appendix, pp. 103, 181).

morning, maintain a clear opening, of not less than four feet in width from the bottom to the top, through all cribs, boxes, or cruives, used for taking salmon, so that a free space of that width is secured for the passage of fish up and down through each box, crib, or cruiue, whether used for fishing or not, and must remove the inscales and rails of all such boxes, cribs, or cruives; and any person acting in contravention of this provision will for each offence incur a penalty not exceeding five pounds, and a further penalty not exceeding one pound for each fish so taken, and also forfeit every fish so caught: (24 & 25 Vict. c. 109, s. 22.)

The Home Office may, upon the application of the Justices of any County abutting on water containing salmon, extend or vary the time during which it is prohibited to take salmon in such waters^(a); any such application must be forwarded by the chairman, but it will not be entertained by the Home Office until due proof is given that notice of such application has been served on the clerk of the peace of every other county abutting on such river, and that a copy has been published in each county by advertisement once in each of four successive weeks in some local newspaper; the extension of such time must be made by order of the Secretary of State, and a copy of the *London Gazette* containing such order will be evidence of its having been made. And for these purposes any division of a county having a separate sessions is to be deemed a county, and any penalties imposed for the killing of fish during the close time will apply to such extended close time; and the Home Office may vary the close time so extended: (24 & 25 Vict. c. 109, s. 18).

(a) See note, p. 9.

Where, however, any salmon river is within the jurisdiction of Conservators appointed under the Act of 1865, any application to the Home Office in respect of the close time must be made by the Board of Conservators, instead of by the Justices: (28 & 29 Vict. c. 121, s. 24).

No person is allowed to buy, sell, or have in his possession for sale, any salmon between the 3rd of September and the 2nd of February; and any person acting in contravention is to forfeit any fish so bought, sold, or in his possession for sale, and also incur a penalty not exceeding two pounds for each such fish; but this does not apply to salmon cured, pickled or dried, or any fresh salmon caught beyond the limits of the Fishery Acts; nevertheless, the burden of proving any fresh salmon that is sold, or in the possession of any person for sale, between the 3rd of September and the 2nd of February to have been caught beyond the limits of these Acts lies on the person selling or having the same in his possession: (24 & 25 Vict. c. 109, s. 19).

All salmon intended for exportation must be entered with the officer of customs, at the port of exportation, before shipment; and any salmon shipped or brought to any place for exportation between the 3rd of September and the 2nd of February will be forfeited, and the person shipping or bringing the same for exportation will be liable to a penalty not exceeding two pounds for every salmon so shipped or brought; and any officer of customs may, between such days, open any parcel entered or brought for exportation suspected by him to contain salmon, and detain any salmon found until proof is given of the salmon being such as may be legally exported; and if the salmon, before such proof is given,

become unfit for human food, he may destroy it: (28 & 29 Vict. c. 121, s. 65) (a).

DESTRUCTION OF UNSEASONABLE FISH.

To prevent the sale of unclean fish no person is permitted wilfully to take any unseasonable salmon (b), or buy, sell, or expose for sale, or have in his possession, any unseasonable salmon; and any person acting in contravention is liable to forfeit any fish taken, bought, sold, or exposed for sale, or in his possession, and to incur a penalty not exceeding five pounds in respect of each fish (c). But this does not apply to any person who

(a) See also 26 Vict. c. 10 (Appendix, p. 78).

(b) In determining whether any fish be unclean or unseasonable, the justices must necessarily rely upon the evidence of skilled persons; but as the act must be wilful to constitute an offence, the penalty could not be properly enforced in cases open to doubt or difference of opinion.

(c) Under the Nuisances Removal Acts, the local authority may enter into any premises without notice at all reasonable hours, to inspect any fish, &c. (18 & 19 Vict. c. 121, s. 11). The medical officer or inspector of nuisances may inspect any such fish intended for human food; and in case any such appear to him unwholesome, he may seize and carry the same before a justice, who may order the same to be destroyed; and the person exposing the same for sale will be liable to a penalty not exceeding 20*l.*, or three months' imprisonment (26 & 27 Vict. c. 117, s. 2). Penalty for obstruction of officers, &c., not exceeding 5*l.* (s. 3). In any district to which the Public Health and Local Government Acts have been applied, the inspector of nuisances may at all reasonable times enter and inspect any shop, stall, &c., used for the sale of fish, &c., and in case any fish appear to him to be intended for the food of man, and to be unfit for such food, the same may be seized, and any justice may upon competent evidence order the same to be destroyed, and the person to whom such belongs, or in whose custody the same is found, is liable to a penalty not exceeding 10*l.* for every fish so found, recoverable before two justices (11 & 12 Vict. c. 63, s. 63, and see also 10 & 11 Vict. c. 34, s. 131). By the City Sewers Amendment Act, unwholesome food within the city of London may be seized and destroyed (s. 27). Penalty for exposing unwholesome food for sale (s. 52).

takes such fish accidentally, and forthwith returns it to the water with the least possible injury, nor to any person who takes or is in possession of such fish for artificial propagation or other scientific purposes : (24 & 25 Vict. c. 109, s. 14).

No person is allowed wilfully to take or destroy the young of salmon (*a*), to buy, sell, or expose for sale, or have in his possession, the young of salmon, to place any device for obstructing their passage, to wilfully injure them, or to disturb any spawning bed or any bank or shallow on which the spawn of salmon may be ; and any person acting in contravention of these provisions is liable to forfeit all the young of salmon found in his possession, as well as all rods, lines, nets, devices,

(*a*) To obtain a conviction it must be shown that the offender knew the fish he was taking were the young of salmon. The following case was stated for the opinion of the Court (Q.B.) by the justices in petty sessions at Radnor : The respondent, the Rev. Mr. Hopton, was charged by the appellant, before two justices of Radnorshire sitting in petty sessions, with unlawfully having in his possession the young of salmon.

The appellant and another witness proved that on the 27th of March, 1868, they found the respondent fishing with rod and line in the river Ithon ; that they searched his basket, and that it contained several trout and eight or ten recently killed samlet. The respondent admitted that he had taken the fish in question, but said that he had been fishing for trout, and did not know that these fish were samlet, but, on the contrary, took them for trout.

The justices found that the respondent had taken in the river Ithon certain fish called samlet, but that he did not know that they were samlet or young of salmon, but that he had not taken them wilfully. They thereupon declined to convict the respondent of the offence charged ; and the question for the opinion of the Court was whether they were right in law in so doing.

COCKBURN, C.J. : Wilfully is always implied if it is not expressed. A man is bound to know the law ; but he is not bound to know facts. Our judgment will be for the respondent.,

WIGHTMAN and MELLOR, JJ., concurred : (*Hopton v. Thirwall* 9 L. T. (N.S.) 327 ; 3 New Reports, 70).

It is obvious that the plea of ignorance (notwithstanding this decision) could not prevail where the defendant be by profession a fisherman, or known to be well-skilled in the knowledge of fish.

and instruments used in committing any of such offences, and to incur a penalty not exceeding five pounds for each offence. But this does not apply to any person who may have obtained young of salmon for artificial propagation or other scientific purposes, nor prejudice the legal right of any owner to take materials from any stream : (24 & 25 Vict. c. 109, s. 15).

If any person wilfully disturbs salmon when spawning, or when near their spawning beds, he may for each offence incur a penalty not exceeding five pounds ; but this does not apply to any person who may catch salmon for artificial propagation or other scientific purposes : (24 & 25 Vict. c. 109, s. 16).

Nevertheless, with respect to the above exemptions, where any person is exempted from a penalty for using or having in his possession salmon roe on the ground that he has it for artificial propagation or other scientific purposes, or for taking or having in his possession unseasonable salmon, or for attempting to catch salmon when spawning or near their spawning beds, he shall not, if within a District where a Board of Conservators is established, be exempt from the penalty unless the consent of the Board has been given in writing to such use of salmon roe or taking possession of unseasonable salmon : (28 & 29 Vict. c. 121, s. 60).

REGULATION OF DAMS, WEIRS, AND FISH PASSES.

For the purpose of clearly indicating the rights of mill-owners, &c., in the first place, the expression "dam" is defined to mean all weirs and other fixed obstructions used for damming up water ; "fishing weir" a dam used for the exclusive purpose of facilitating the catching of fish ; and "fishing milldam" a

dam used partly for facilitating the catching of fish, and partly for supplying water for milling, &c. : (24 & 25 Vict. c. 109, s. 4).

After a time appointed in a Fishery District any person using any fishing weir, fishing milldam, putt, putcher, net, or other instrument or device, not being a rod and line, for catching salmon, without a proper licence, will be liable to a penalty of not less than double the amount to be paid for the requisite licence, and not exceeding twenty pounds : (28 & 29 Vict. c. 121, s. 36).

As to removal of fishing weirs, licences, powers of water bailiffs, &c., see "Proceedings of Boards of Conservators." See also "Proceedings of Special Commissioners;" and for recovery of penalties, see "Legal Proceedings."

The following regulations are to be observed with respect to dams :

1. No dam except such fishing weirs and fishing milldams as were lawfully in use on the 6th August, 1861, by grant, charter, or immemorial usage (*a*), must be used for facilitating the catching of salmon ; and any person attempting to catch salmon in contravention of this provision will incur a penalty not exceeding five pounds for each offence, and a further penalty not exceeding one pound for each salmon which he catches ; and forfeit all traps, nets, and contrivances used in connection with the dam for catching salmon, as well as all salmon

(*a*) Weirs across rivers were considered public nuisances from the earliest times ; the erection of new ones was forbidden by Magna Charta. Twenty years' acquiescence might bind parties whose private rights only are affected, but the public have an interest in the suppression of public nuisances, though of longer standing : (*per* ELLENBOROUGH, C.J., *Weld v. Hornby*, 7 East, 195).

so caught. And no fishing weir, although lawfully in use, is to be used for catching salmon unless it have such free gap as is hereinafter mentioned (a); and no fishing milldam, although lawfully in use, shall be used for catching salmon unless it have a fish pass of such form and dimensions as may be approved by the Home Office, nor unless such fish pass has constantly running through it a flow of water enabling salmon to pass up and down, but such pass need not be larger nor deeper than requisite for this purpose (a).

2. No person is allowed to attempt to catch, except by rod and line, any salmon in the head race or tail race of any mill, or within fifty yards below any dam, unless the mill or dam has a fish pass of such form and dimensions as may be approved by the Home Office (b), and

(a) See note (a), p. 22.

(b) No ancient right or usage will justify fishing, except by rod, within the prescribed distance of a dam, without a fish pass. The following case was stated by two of the justices of the peace for the city of Chester, under the 20 & 21 Vict. c. 43, s. 2:

Ralph Moulton (the now appellant) and two others were summoned to appear before the justices, "for that they, the said R. Moulton, &c., did on the 26th day of May last catch in the salmon cage on the river Dee, in the city of Chester, and within fifty yards below a dam then existing, six salmon, otherwise than by rod and line, contrary to the provisions of sect. 12 of the 24 & 25 Vict. c. 109." It was proved by the complainant Wilby (the now respondent, who was a watcher for the conservators of the river Dee) that on the said 26th of May defendants took by means of a landing-net six salmon out of the salmon cage in which the fish were then impounded; that the salmon cage was within fifty yards below a fishing milldam (such as is mentioned in sect. 4 of the said Act) on the river Dee; that the said fishing milldam had not a fish pass attached thereto, in accordance with sect. 12 of the 24 & 25 Vict. c. 109; that salmon had been taken in the same way before the passing of the said last-mentioned Act; that since the passing of the said Act movable bars had been placed in the salmon cage, which bars, when up, constituted a clear opening for salmon to pass through the cage both up and down, according to the provisions of sect. 22 of the said Act, and that the bars were up on the said 26th of May. For the defence, it was proved by the defendant (the now

such fish pass has constantly running through it a flow of water enabling salmon to pass up and down ; and if any person acts in contravention of this provision he will incur a penalty not exceeding two pounds for each

appellant), and admitted by the complainant, that there was *an ancient right of fishing in the aforesaid salmon cage by charter, grant, or immemorial usage*, and that the defendant, but for the 24 & 25 Vict. c. 109, was entitled, as tenant to R. Topham, the owner of the fishery, to exercise that ancient right.

From a plan annexed to the aforesaid case it appeared that the said weir or fishing milldam, to the masonry connected with which the salmon cage was attached, stood across the river Dee, just above the Old Dee Bridge, beginning from the left bank and stretching thence a few yards down the stream diagonally to the right shore of the river. At the lower end of this diagonal were the Dee mills, belonging to Colonel Wrench, to whose ancestor the weir and mills at both ends originally belonged. At the upper end of the diagonal were several mills, between which was a large water-wheel and a flood-gate for regulating the supply of water to the mills. Over this wheel, or through the flood-gate, the water flowed between solid masonry, till it reached the apex of the salmon cage, through the receding side bars of which the water flowed into the stream below. The fish, on ascending the river to spawn, enter the open space of this angular cage, and passing through an opening at its apex, find themselves in a trap, from which there is no escape, unless they discover again the opening at the apex of the cage, or can force their way through the flood-gate when open. It was in this cage, or trap, that the salmon in question were taken by means of a net.

Upon the above facts the justices convicted the defendant Moulton of an offence against the said 12th section, and adjudged him to pay a penalty, against which conviction and penalty he now appealed.

POLLOCK, C.B. : We are all agreed that the appeal in this case must be dismissed. Sect. 11 has nothing to do with the question. That section refers to fixed engines, and contains a proviso that it should not prevent any ancient right of fishing by immemorial usage. There can be no doubt that this was a mode of fishing by immemorial usage. But sect. 12 says this : "No person shall catch or attempt to catch, except by rod and line, any salmon, &c., within fifty yards below any dam, unless such mill or dam has attached thereto a fish pass of such form and dimensions as may be approved of by the Home Office." This weir or dam had no such fish pass, and therefore the appellant had no right to catch salmon with a net within fifty yards below it. Consequently, the conviction was proper, and the appeal must be dismissed.

MARTIN, B. : I am now satisfied that the true construction of

offence, and a further penalty not exceeding one pound for every salmon so caught, and also forfeit all salmon so caught, and all nets or other instruments used : (24 & 25 Vict. c. 109, s. 12).

Any proprietor of a fishery with the consent of the Home Office may attach to every dam which existed on

the second head of sect. 12 is an absolute prohibition of fishing, otherwise than with rod and line, within fifty yards of the dam unless it has a fish pass. And unless the leave of the owner of the dam can be obtained to the having a fish pass in the dam, there is an absolute prohibition. The conviction is right.

BRAMWELL, B.: I am of the same opinion. Sect. 11 applies to nothing connected with fishing weirs, or fishing milldams. Then comes sect. 12, which first prohibits the use of all dams for the purpose of catching or facilitating the catching of salmon, except such as were of old lawfully used for that purpose; and prohibits, secondly, the use of all fishing weirs, or fishing milldams, for the catching or facilitating the catching of salmon, although of old lawfully used for that purpose, unless they have a fish pass. But this dam has no fish pass. My brother Martin doubts whether the weir is said to be used for the purpose of catching salmon when the ownership of the weir and fishery is in different persons. My own opinion is that it is used for that purpose, although it does not belong to the man himself. The weir is there to stop the fish from going in any other direction. I think, therefore, they cannot evade the provisions of this Act by putting the cage fifty yards further down the river. There is, doubtless, this difficulty—that, when the whole of the weir belongs to somebody who is not the owner of the fishery, you are taking away the right of the owner of the fishery. That must evidently be so in some cases. It has been shown that you cannot fish with a net, but only with a rod and line, within fifty yards below any dam that has not a fish pass. But I have no doubt that it will not eventually be found any particular hardship. I think, therefore, the construction of the Act is in favour of the respondent.

WILDE, B.: I think so too. There is this alternative. If this engine is a portion of the dam, it comes within the first part of sect. 12. In that case it is a fishing milldam that has been used for the purpose of facilitating the catching of salmon, and that is without a fish pass. If the engine is not a portion of the dam so as to come within the first part of the section, the appellant evidently comes within the second part, for he has caught the fish with a net, within fifty yards below a dam without a fish pass. Conviction upheld: (*Moulton v. Wilby*, 8 L. T. (N.S.) 284; 9 Jur. (N.S.) 472; 32 L. J. 173; 2 New Reports, 40).

the 6th August, 1861, such a fish pass as the Home Office may approve, so that no injury be done to the milling power (a) or to the supply of water to or of any navigable river, canal, or other inland navigation; and any person obstructing any person legally authorised in erecting such fish pass will incur a penalty not exceeding ten pounds for each obstruction; and for injuring such pass pay the expense of repairing the injury, and, in addition, if such injury is wilful, incur a penalty not exceeding five pounds (b); and for doing any act for preventing salmon from passing through a fish pass, or taking any salmon in its passage, incur a penalty not exceeding five pounds for a first offence, and not exceeding ten pounds for each subsequent offence, and forfeit any salmon so taken, and any instrument used, provided that if any injury is done to any dam by reason of the

(a) It may here be observed that the spirit of this enactment is in the first place to afford the greatest possible protection to the proprietors of fisheries, but at the same time to avoid injury to the mill-owners. Thus, the owner of a fishing milldam, i.e., a dam constructed for milling purposes, in which nevertheless the mill-owner also chooses to fish, will be required to maintain such a fish pass as shall be most suitable for the ascent of salmon, saving only that he is not compelled to permit the water to escape below a certain point. He must do everything to favour the passage of fish, saving a minimum supply of water for his mill. But the miller who does not fish his dam is protected in the enjoyment of his full supply of water, provided that sufficient flow over the dam or through the pass to present no greater obstruction than necessary to the fish. He may use all the water he requires, only he must not allow it to run to waste. Thirdly, a simple fishing weir must contain a free gap of not less than the dimensions prescribed by the statute.

(b) By the Malicious Injuries Act (24 & 25 Vict. c. 97, s. 32) it is provided that whosoever maliciously destroys any dam, &c., of any water in which there is a private right of fishery, so as to cause loss or destruction to the fish, or poison the water with intent to destroy the fish, shall be guilty of a misdemeanor, and be liable to penal servitude or imprisonment, with or without hard labour, solitary confinement, or, in the case of boys under sixteen, whipping.

affixing of such fish pass, any person sustaining any loss thereby may recover compensation for the injury from the person by whom it has been affixed (24 & 25 Vict. c. 109, s. 23); but no such compensation can be recovered unless proceedings are instituted within two years after the time at which the fish pass was first affixed to the dam : (28 & 29 Vict. c. 121, s. 59).

The Secretary of State cannot consent to the attachment by a proprietor of a fish pass to any dam, unless such proprietor proves that he has served notice on the owner of the dam of his intention to apply for such consent, and at the same time has furnished him with plan and specification of the pass which he proposes to erect a reasonable time before his application; and such owner may urge any objections he think fit to the Secretary of State, who is required to take any objections into consideration before giving consent to the attachment of the fish pass : (24 & 25 Vict. c. 109, s. 24).

Every person who, in waters where salmon are found, constructs a new dam, or raises or alters, so as to create increased obstruction to fish, a dam already constructed, must attach and maintain in an efficient state such a fish pass as may be determined by the Home Office, and if he do not he will incur a penalty not exceeding five pounds; and the Home Office may cause to be done any work so required, and recover the expense of doing it from the person in default. But this does not authorise anything to be done which may injuriously affect any navigable river, canal, or inland navigation, nor will anything prevent the removal of a fish pass for the purpose of repairing or altering a dam, so that within a reasonable time such fish pass be restored in as an efficient a state as it was before : (24 & 25 Vict. c. 109, s. 25).

On application to the Secretary of State by any Board of Conservators, setting forth that any fish pass or free gap within their district is capable of improvement, the Secretary of State may direct any alteration in such pass or gap, or may direct a new one to be made in another site, and the Board of Conservators is to defray all costs attending such alteration or erection, and for these purposes where a river is divided into separate branches, each branch will be a separate river : Provided, that no injury must be done to the supply of water to or of any navigable river, canal, or other inland navigation : (28 & 29 Vict. c. 121, s. 32).

Where a fish pass is attached to any dam, as before described, the sluices for drawing off the water which would otherwise flow over the dam must be kept shut at all times when the water is not required for milling purposes, so as to cause it to flow through the pass ; and any person making default will incur a penalty not exceeding five shillings per hour during default ; but this does not preclude any person from opening a sluice for letting off water in cases of flood, or for milling purposes, or when necessary for the purposes of navigation, or for repairing any dam or mill : (24 & 25 Vict. c. 109, s. 26).

For the purpose of enforcing efficient free gaps in fishing weirs it is provided that where a fishing weir extends more than halfway across any stream at its lowest state of water, it must, unless otherwise authorised by the Home Office, have a free gap or opening in the deepest part of the stream between the points where it is intercepted by the weir ; the sides of the gap must be in a line with and parallel to the direction of the stream at the weir ; the bottom of the gap must be level with the natural bed of the stream above and below

the gap ; and the width of the gap in its narrowest part must be not less than one tenth part of the width of the stream ; but such gap is not required to be wider than forty feet, and must not in any case be narrower than three feet : (24 & 25 Vict. c. 109, s. 27).

Where a weir was without a legal free gap on the 6th August, 1861, the owner of such weir was required within twelve months to make such a gap, and if he did not he incurred a penalty not exceeding five pounds for every day after the twelve months during such neglect. Where a free gap has been made in a weir, but the same is not maintained in accordance with these provisions, the owner incurs a penalty not exceeding one pound a day for each day in default. No alteration must be made in the bed of any river so as to reduce the flow of water through a free gap ; if it is, the person making it will incur a penalty not exceeding five pounds, and a further penalty of one pound a day until he restores the bed of the river to its original state. No person is allowed to place any obstruction, use any contrivance, or do any act whereby fish may be scared, deterred, or prevented from freely entering and passing up and down a free gap at all periods of the year ; and any person so doing incurs a penalty not exceeding five pounds for the first offence, ten pounds for each subsequent offence ; but this last regulation will not apply to a temporary bridge or board used for crossing the free gap and taken away immediately when a person has crossed : (24 & 25 Vict. c. 109, s. 28).

In relation to the construction of boxes and cribs in fishing weirs and fishing milldams, the upper surface of the sill must be level with the bed of the river ; the bars or inscales of the heck or upstream side of the box or crib must not be nearer each other than two inches ;

they are to be placed perpendicularly, and to be capable of being removed (a).

The owner of any fishing weir or fishing milldam that had attached thereto any box or crib in contravention of these provisions was required to bring the same into conformity with them within six months after the 6th August, 1861, and he incurred a penalty not exceeding five pounds for every day during neglect; and any owner failing so to maintain the same incurs a penalty not exceeding one pound for every day during such failure: (24 & 25 Vict. c. 109, s. 29).

There must not be attached to any box or crib in any fishing weir or fishing milldam any spur or tail wall, leader, or outrigger, of a greater length than twenty feet from the upper or lower side of such box or crib; and if there be any such, the owner of the weir or fishing milldam incurs a penalty not exceeding one pound for every day during the continuance thereof: (24 & 25 Vict. c. 109, s. 30).

The Special Commissioners appointed under the Salmon Fishery Act 1865 (see "Proceedings of Special Commissioners") may inquire into the legality of all fishing weirs and fishing milldams, and remove such fishing weirs, and cause to be rendered incapable of catching fish such fishing milldams as are in contravention of the Salmon Fishery Act 1861; but where a fishing weir is illegal only by reason of its not having a free gap, or a fishing milldam is illegal only by reason of its not having a fish pass, the Commissioners are not empowered to remove such fishing weir if an undertaking be entered into by the owner or person interested to make a legal

(a) In Scotland the regulation of milldams, cruives, &c., is fixed by bye-laws of the commissioners, authorised under 25 & 26 Vict. c. 97 (see Appendix, pp. 103, 186, 187).

free gap within a time prescribed by the Commissioners, and a free gap is made accordingly; nor to cause to be rendered incapable of catching fish such fishing mill-dam if a like undertaking be entered into to attach a proper fish pass within a time prescribed by the Commissioners, and such fish pass be attached accordingly: (28 & 29 Vict. c. 121, s. 42).

REGULATION OF FIXED ENGINES.

For the purpose of preventing the abuse of fishery rights and the employment of means for the capture of fish it is defined that the term "fixed engine" includes stake nets, bag nets, putts, putchers, and all fixed implements or engines for facilitating the catching of fish (24 & 25 Vict. c. 109, s. 4); and further, that "fixed engine" includes any net or other implement for taking fish fixed to the soil, or made stationary in any other way, not being a fishing weir or fishing milldam: (28 & 29 Vict. c. 121, s. 39).

No fixed engine shall be used for catching salmon in any inland or tidal waters; and any engine so used may be destroyed (a); and any engine so used, and any salmon

(a) It is not necessary, to enable any person to act, that he should be authorised by any other person.

The following case as to the destruction of certain stake nets, under the 11th sect. of the Act, was argued upon demurrer: The declaration stated that the plaintiff sued the defendant for that the defendant seized, cut to pieces, and destroyed the plaintiff's fishing nets and poles, and converted the same to his the defendant's own use, and wrongfully deprived the plaintiff of the use and possession thereof.

Third plea: That before and at the time of the alleged grievances in the declaration complained of, the plaintiff had placed and had been and was using in a certain tidal water, to wit, the river Conway, certain fixed engines for catching salmon, in contravention of the provisions of the Salmon Fisheries Act 1861;

taken thereby, will be forfeited, and, in addition, the owner, for each day of so using the same, will incur a penalty not exceeding ten pounds; and a net that is secured by anchors, or otherwise temporarily fixed to the soil (*a*), is deemed to be a fixed engine. But this pro-

and that the fishing nets and poles mentioned in the declaration are the said fixed engines so placed and used by the plaintiff in the river Conway as aforesaid, and the defendant says that he took possession of and destroyed the said fishing nets and poles by the order and under the direction of one Edward Sharpe, as and then being the conservator of the said river, duly appointed in that behalf, as he lawfully might under the provisions of the said Act of Parliament for the cause aforesaid, which are the grievances complained of.

Second replication to third plea: That the said Edward Sharpe was appointed by the justices of the peace in and for the county of Denbigh, assembled at the general or quarter sessions of the peace in and for the said county, conservator or overseer for the preservation of salmon, and for enforcing for that purpose the provisions of the said Act, within the limit of the jurisdiction of such justices, and was not otherwise the conservator of the said river, which was partly in and bounded by the said county of Denbigh, but the place where the said trespasses and grievances were committed, and where the said fishing nets and poles were placed and fixed and used, was without the said county of Denbigh, to wit, in the county of Carnarvon, and not within the limits of the jurisdiction of the said justices. Demurrer thereto, and joinder in demurrer.

MARTIN, B.: Has not everyone a right to do what the defendant did? I see no reason why we should add, after the word destroyed, "by the conservator." He might say that the conservator stood by and directed him to do it.

The Court (Pollock, C.B., Martin and Bramwell, BB.) unanimously gave judgment for the defendant: (*Williams v. Blackwall*, 8 L. T. (N.S.) 252; 9 Jur. (N.S.) 579; 32 L. J. 174, Ex.; M. C. 164; 2 New Reports, 39).

(a) A net fixed to the bank of a tidal river by a stone, which gives way on being touched by salmon, and so entangles the fish, was held not to be a "fixed engine" within sect. 11 of the Salmon Fishery Act of 1861. The following case was stated for the opinion of the Court (Q.B.) by the justices in petty sessions at Cardigan: An information was preferred by the respondent Jones against the appellant Thomas, for an offence against sect. 11 of 24 & 25 Vict. c. 109, for using "certain fixed engines, viz., nets temporarily fixed to the soil, for the purpose of catching salmon in a part of the tidal waters of the river Tivy (such part comprising about three miles of the said river)." It was proved that

vision does not apply to fishing weirs or fishing mill-dams: (24 & 25 Vict. c. 109, s. 11).

Nor does it apply to such fixed engines as were in use for catching salmon during the open season of one thousand eight hundred and sixty-one, in pursuance of an ancient right or mode of fishing as lawfully exercised during such open season, by grant, charter, or immemorial usage (a); and inasmuch

Thomas was seen setting three nets for catching salmon on one side of the Tivy, which were placed about twelve yards apart, and extended to near the centre of the river. Each of the nets was attached at one end to a stone, which was on the bank of the river, and which weighed from six to twelve pounds, and kept the net quite firm. At the other end the net was kept up by corks, with lead to keep it down in the river. The river was three or four feet deep, and it was doubtful whether the net would reach the bottom. The net was six yards in length, and one yard sixteen inches in depth. The nets do not remain the same length in the water, they contract very much. They are always placed in quiet water and not in a current. When a salmon touches the net the stone gives way, and the net moves and gathers together, and the salmon gets entangled and dies, and, in the words of one witness, "The salmon is rolled up like a rabbit in a net. I do not know whether such a net would catch salmon without a stone. It requires a weight to hold the net and keep it extended." The effect of nets thus set would be to catch and scare salmon. This part of the Tivy was tidal and navigable. The magistrates being of opinion that the nets in question were fixed engines within sect. 11 of 24 & 25 Vict. c. 109, convicted Thomas and fined him one shilling.

The question for the Court was, whether or not the conviction was right. And the Court was requested to remit the case to the justices with their opinion thereon.

CROMPTON, J.: We think the magistrates were wrong. This stone is not an anchor fixed into the ground, and it is impossible to say that a net moored at one end to a bank by a movable stone, which is cleared away when the first fish comes, is a "fixed engine" within the meaning of the statute.

MELLOR and SHEE, JJ., concurred. Conviction reversed: (*Thomas v. Jones*, 11 L. T. (N.S.) 450; 34 L. J., M. C. 35; 5 New Reports, 121).

(a) Proof that a certain family and others of the public had for more than forty years used stake nets in tidal waters is not evidence of ancient right under the Salmon Fishery Act of 1861. The following case was stated by the justices of Lancaster, under 20 & 21 Vict. c. 43: The respondent was charged

as in some cases fixed engines in use during any one of the four years previous to 1861 may from temporary causes have been out of use during that year, if it is proved to the Special Commissioners appointed under the

as being the owner of a certain fixed engine, viz., a stake net, which was then unlawfully placed for catching salmon in tidal waters. The information stated that the appellant was a keeper appointed by the Severn Fishing Association, and that upon the 11th July, 1864, he visited what are called Clark Sands, being part of an estuary called the Bay of Morecambe, within the county of Lancaster, navigable for vessels when the tide is in, and he found on that part of the sands over which tides flow and reflow every day, stakes firmly driven into the sands, two or three yards apart, about five feet out of the sands, with nets fixed on them; spars were fixed to the nets. The nets rose and fell with the tide by means of tied spars, but the stakes remained fixed, and the nets on them, when the tide was out. The nets were taken up every tide. There was evidence of the respondent being the owner, or one of the owners, of the nets; and, indeed, it was not disputed that he was the owner. The nets were found so placed as aforesaid, with salmon lying against the stakes on which the nets were fixed, and in the opinion of the justices were so fixed to the soil as to be fixed engines within the 11th section of 24 & 25 Vict. c. 109. The nets so found were taken off the stakes by the appellant and carried away, and, while he was engaged in carrying them away, the respondent with his brother (against whom a similar information was laid) and others came up to the appellant and said to him, "They are our nets thou's taking away;" and respondent further said that the appellant had no business to carry them away, and then took them from the appellant and carried them to his (respondent's) house; that afterwards, on the same day, with the assistance of a police constable, appellant got the nets back from the respondent. On the part of the respondent it was contended that in taking the nets from the appellant he did it to assert his right to use the nets in the way in which they were found, *bonâ fide* believing that by long usage a right had been acquired so to use them. There was no evidence of any exclusive right of fishery there. Evidence, however, was given on the respondent's behalf, by his father, that nets of this kind, with lawful size of mesh, and fixed in like manner, had for more than forty years past, up to the time of the committing of the alleged offence, been used by respondent's father, his family, and others of the public in fishing on Leven Sands or Estuary for salmon; and the justices being satisfied that the evidence was sufficient evidence of this being an ancient right or mode of fishing lawfully exercised at the time

Salmon Fishery Act of 1865 that any fixed engine not in use during the open season of 1861 was in use during one of the previous four years, proof of its user during one of such four years may be substituted for proof of its user during the open season of 1861 ; but no person by proving the use of different fixed engines during these years will be allowed a number of privileged engines exceeding the greatest number in use during some one of the five years : (28 & 29 Vict. c. 121, s. 39).

After a time appointed in a Fishery District under the Act of 1865, any person using any device for catching salmon without a proper licence is liable to a penalty not exceeding twenty pounds : (28 & 29 Vict. c. 121, s. 36).

As to removal of fixed engines during annual and weekly close season, see "Regulation of Close Season ;" as to licences, powers of water bailiffs, &c., see "Proceedings of Boards of Conservators ;" and for recovery of penalties, &c., see "Legal Proceedings."

The Special Commissioners appointed under the Salmon Fishery Act 1865 (see "Proceedings of Special Commissioners") may inquire into the legality of all fixed engines erected or used for catching salmon within the limits of the Salmon Fishery Acts 1861 and 1865, and

of the passing of the Act, by virtue of immemorial usage, within the meaning of the 11th section of the statute, dismissed the information. The questions for the opinion of the Court were: 1st, Whether the right or mode of fishing so claimed as aforesaid is such an ancient right or mode of fishing as is exempted by sect. 11 from the operation of that section; and, secondly, if so, whether evidence to the effect above stated was sufficient evidence of immemorial usage to support such an exemption under the circumstances of the case.

COCKBURN, C.J.: "The claim was made for respondent's family and certain others of the public, i.e., the general public, and the public can have no right as against the public. Our judgment must be for the appellants, and the case must go back to the justices:" (*Bevis v. Bird*, 12 L. T. (N.S.) 306; 6 New Reports, 111).

remove all such as are not proved to their satisfaction to be privileged (a): (28 & 29 Vict. c. 121, s. 40).

Where a claim is made on behalf of a fixed engine that it is privileged, the Commissioners, on proof being given, may certify to that effect, stating the situation, size, and description of the engine; such certificate to be deemed an order of the Commissioners, and subject to appeal. If unappealed from, or as confirmed or amended on appeal, such certificate will be evidence that the engine is privileged within the meaning of the Salmon Fishery Acts 1861 and 1865, but the certificate will not render any engine legal that would be otherwise illegal by reason of its being injurious to navigation: (28 & 29 Vict. c. 121, s. 41).

PROCEEDINGS OF SPECIAL COMMISSIONERS.

To regulate the proceedings of the Special Commissioners appointed under the Salmon Fishery Act 1865, for the purpose of determining the legality of fishing weirs, &c. (see "Weirs, Dams, and Fish Passes"), and of fixed engines (see "Regulation of Fixed Engines"), it is provided that the Commissioners are to advertise in some daily morning London newspaper, and in some newspaper circulating in the District in which any salmon river is situate, notice where and when they will hold a Court for determining the legality of all fishing weirs, fishing milldams, and fixed engines on that river.

This advertisement must be inserted at least twenty-eight days before the time at which such court is held. The Commissioners may alter any place or time so

(a) All disputes as to the right to the use of fixed engines may thus be effectually set at rest by the aid of the special commissioners.

mentioned on giving notice of the alteration in the manner they think best calculated to insure to the parties interested knowledge of such alteration. The advertisement is to be in the form prescribed by the Act as near as circumstances admit. In addition to these advertisements, the Commissioners, fourteen days before an inquiry, must serve a notice on the owner of any such fishing weir, fishing milldam, or fixed engine to appear.

Service of the notice may be made either by delivering it personally to the owner, or leaving it at or sending it by post in a registered letter to his residence, or, if the owner cannot be ascertained, by posting a copy on the fishing weir, fishing milldam, or fixed engine that forms the subject of inquiry.

The notice is to be in the form prescribed by the Act as near as circumstances admit.

Any person receiving the profits of the salmon caught by such weir, milldam, or fixed engine is to be deemed to be the owner, but in addition to any owner the Commissioners must hear any person whether legally interested or not in a fishing weir, fishing milldam, or fixed engine.

Any person obstructing any officer of the Commissioners who may be desirous of posting any such notice on a weir, milldam, or fixed engine will be liable to a penalty not exceeding five pounds for each offence, and for defacing or removing any notice to a penalty not exceeding forty shillings; and a notice will be deemed posted where its non-posting has been occasioned by some person obstructing the officer about to post it.

The production of a copy of a newspaper containing any such advertisement will be evidence of its having been given: (28 & 29 Vict. c. 121, s. 43).

After hearing evidence, the Commissioners are to

decide as to the legality of the weir, milldam, or fixed engine, and in the event of their deciding that it is illegal, they may order the owner to remove a fishing weir, or render incapable of catching fish a fishing milldam (where the law requires it), within a reasonable time, not being less than three months ; and in case the owner fails to comply with the directions of the order, the Commissioners may authorise any person, at the expense of the owner, to carry their order into effect. The Commissioners may sell any fixed engine, or any materials belonging to any weir or milldam that may be so removed, and apply the proceeds in defraying any costs incident to carrying their order into effect, rendering the surplus, if any, to the persons entitled.

If it is proved that any posts or other materials belonging to an illegal weir or fixed engine so ordered to be removed may be capable of being used as evidence of title to any land, the Commissioners, instead of ordering the entire removal of such posts or materials, may require the weir or fixed engine to be destroyed so far only as they may think necessary to prevent its being used for fishing purposes : (28 & 29 Vict. c. 121, s. 44).

If any person feels aggrieved with any decision of the Commissioners he may appeal to one of the superior Courts at Westminster, by special case stating the facts and the grounds for the decision, which case must be settled by the Commissioners upon the application of the appellant within fourteen days after the delivery of the decision, and if the appellant be dissatisfied with the case as settled by them, he may have it settled by a judge at chambers.

Before the delivery of the case to the appellant he must enter into a recognizance before the Commissioners or a Justice in such sum as they think fit, conditioned

to prosecute without delay the appeal, and to submit to the judgment of the Court, and to pay the costs awarded.

The special case is to be signed and delivered to the appellant by the Commissioners; and on its receipt the appellant must within fourteen days transmit the original case to the proper officer of the Appellate Court.

When a party gives in good faith notice of an appeal, but omits through mistake to do some act necessary to perfect the appeal, the Court may permit an amendment.

After the decision of the Court has been given, the Commissioners shall have the same powers to enforce that decision as they would have had to have enforced their original decision.

The provisions of the Summary Jurisdiction Act (20 & 21 Vict. c. 43), as to the powers of the superior Court, as to directing a special case, the enforcing of recognizances, &c., applies to an appeal from the Commissioners in the same manner as if the words "Justice or Justices" in the Summary Jurisdiction Act included such Special Commissioners (a).

Any act required to be done by the Commissioners may be done by two of them, of whom the Barrister appointed must be one: (28 & 29 Vict. c. 121, s. 45).

(a) By the Summary Jurisdiction Act (20 & 21 Vict. c. 43), any of the supreme courts at Westminster to which a case is transmitted shall determine any question of law thereon, and make such order as they think fit, to be conclusive on all parties; no justice to be liable to costs on such appeal (s. 6). The court may send back any case for amendment (s. 7). The jurisdiction of the court may be exercised by a judge at chambers (s. 8). The court may make orders to regulate the proceedings in reference to such cases (s. 11). Where the conditions of any recognizance have not been complied with, the justices may certify the same to the clerk of the peace to be proceeded upon as other recognizances forfeited at quarter sessions, such certificate being sufficient *prima facie* evidence of such forfeiture (s. 13).

All warrants for the removal of any weir or fixed engine, or the alteration of any milldam, are to be signed by two at least of the Commissioners, and all cases relating to such must be heard by all the Commissioners, but the opinions of two of them, of whom the Barrister appointed must be one, will decide any question; any other acts authorised may be done by any one of them, and any notice or other instrument under the seal of the Commissioners, and signed by any person delegated by them, will be deemed sufficient: (28 & 29 Vict. c. 121, s. 49).

The Commissioners may examine any witnesses on oath, and have the same powers as Judges of the superior Courts for enforcing the attendance of witnesses, the production of deeds and documents, &c. They may maintain order in their Court by the aid of a police officer: (28 & 29 Vict. c. 121, s. 52).

Orders of the Commissioners with maps, if any, are to be deposited with the clerk of the peace of the county, and will be admissible in evidence: (28 & 29 Vict. c. 121, s. 53).

Persons wilfully giving false evidence, swearing a false affidavit relating to any matter within the cognizance of the Commissioners, will be liable to the penalties of perjury (a): (28 & 29 Vict. c. 121, s. 54).

Proceedings before the Commissioners will not abate by any death or change of interest; but the Commis-

(a) To constitute the offence of perjury the false oath must be taken both wilfully (surprise or inadvertence is not sufficient) and corruptly, or taken with a corrupt intention, the person knowing it to be false. It must also be taken before a court having power to administer an oath, as the law takes no notice of any other. Perjury is punishable by fine and imprisonment with hard labour, or penal servitude. And as the oath will be taken as true until disproved, two witnesses at least are necessary to prove the offence.

sioners may require notices to be given to persons becoming interested, or make any orders for carrying on the proceedings: (28 & 29 Vict. c. 121, s. 55).

APPOINTMENT OF BOARDS OF CONSERVATORS.

For the better protection of the proprietors of salmon fisheries it is provided that the Justices in General or Quarter Sessions may appoint Conservators or Overseers for the preservation of salmon, and enforcing the provisions of the law within the jurisdiction of such Justices: (24 & 25 Vict. c. 109, s. 33).

The term "Quarter Sessions" is defined to include "General Sessions;" and any riding, division, or liberty, of a county having a separate Court of Quarter Sessions will be deemed a county: (28 & 29 Vict. c. 121, s. 3).

The Justices at any Court of Quarter Sessions (notice having been given according to the practice of such Sessions) may, by their chairman, apply to the Secretary of State (a) to form into a Fishery District any of the salmon rivers lying within their county, who may form a District accordingly, and include any river not situated in the same county: (28 & 29 Vict. c. 121, s. 4).

The limits of a river are to be defined, and a Fishery District formed, by a certificate of the Secretary of State describing the limits of the river or District as he may deem expedient (b), but no certificate is to be granted

(a) All applications for the formation of fishery districts, &c., should be addressed to the Secretary of State, Home Office, Whitehall.

(b) In Scotland the limits of districts are defined by commissioners appointed by virtue of the 25 & 26 Vict. c. 97 (see Appendix), who may also make byelaws fixing the estuary limits, the division of upper and lower proprietors, &c. (See pp. 103, 161).

unless one month's notice of the intended limits has been given in such newspaper circulating within those limits, and in such daily morning newspaper published in London as may be directed by the Secretary of State; and when a certificate has been granted a copy must be advertised in such newspapers : (28 & 29 Vict. c. 121, s. 5).

Where a Fishery District lies wholly within one county the Justices in Quarter Sessions are to appoint a Board of Conservators for that District, and name the time and place at which the first meeting of the Board is to be held : (28 & 29 Vict. c. 121, s. 6).

Where a Fishery District does not lie wholly within one county the Justices in Quarter Sessions of any county within which any part of such District lies may apply to the Justices of every other county in that District to appoint at their next sessions a Fishery Committee of three of their number, to form, with the Fishery Committee of the like number to be appointed at that Sessions by the county making the application, a joint Fishery Committee for the District : (28 & 29 Vict. c. 121, s. 7).

An application by the Justices of one county to those of another for the appointment of a joint Fishery Committee must be made by the clerk of the peace sending, within fourteen days after the Sessions, to the clerk of the peace of the other county, by post, a letter requiring the Justices to appoint a Fishery Committee at their next Quarter Sessions; and it is the duty of the clerk of the peace of each county to add to the notice of the holding of such next Sessions a notice of the appointment proposed to be made : (28 & 29 Vict. c. 121, s. 8).

At the Quarter Sessions mentioned in the application the Justices are to appoint a Fishery Committee of three

of their members; and any county neglecting to make such appointment will be deemed to have concurred in any decision that may be arrived at by the Fishery Committees of such of the other counties as may appoint a committee: (28 & 29 Vict. c. 121, s. 9).

The clerk of the peace of every county is to give notice by post to the clerk of the peace of every other county in the District, stating the names and addresses of the members composing the Fishery Committee of his county, and the clerk who made the application must name a time and place at which the joint Fishery Committee is to meet: (28 & 29 Vict. c. 121, s. 10).

The joint Fishery Committee is to elect a chairman, and the chairman elected at the first meeting, if he is present at any other meeting, is to be chairman of that meeting; if he is not, the members present may choose any one of their number to be chairman of such meeting. The committee may adjourn from time to time, and one-third of the members will be a quorum. Every question must be decided by a majority of the members voting, and the chairman has a casting vote. Their proceedings will not be invalidated by any vacancy in their body: (28 & 29 Vict. c. 121, s. 11).

Such joint Fishery Committee must appoint a Board of Conservators for their District, and determine the number of Conservators to be appointed; the number of members to be appointed by each county; the names of the first members, distinguishing those appointed by each county; the time and place at which the first meeting is to be held; and the county by the Quarter Sessions of which the accounts of the Board are to be audited. Any member of a joint Committee may be appointed member of the Board: (28 & 29 Vict. c. 121, s. 12).

When a joint Committee have completed their dispositions for the formation of a Board of Conservators, they are to give notice by post of such dispositions to the clerks of the peace of all the counties in their District; after which the joint Committee will be dissolved: (28 & 29 Vict. c. 121, s. 13).

All Justices being owners or occupiers of lands of the value of one hundred pounds per annum abutting upon any salmon river within the District, and having a right of fishing in such river, and all persons paying licence duty within that district of fifty pounds per annum each, will be *ex-officio* members of the Board of Conservators in addition to the appointed members: (28 & 29 Vict. c. 121, s. 14).

The members of a Board of Conservators are to hold office for one year, and be appointed annually at Quarter Sessions, and in the case of a Board formed by a joint Committee in the proportions fixed by that Committee. Retiring members are eligible for re-appointment; and if no annual appointment is made the existing Conservators will remain in office until their successors are appointed.

Any casual vacancy in the office of Conservator may be filled up by the Board, and the member so chosen will hold office for such time only as the member vacating would have done: (28 & 29 Vict. c. 121, s. 15).

Notice of the first and of every subsequent appointment of a Board of Conservators, specifying the members' names and addresses, must be advertised by the clerk of the peace of every county in the District in some newspaper circulated in that county: (28 & 29 Vict. c. 121, s. 16).

After such appointment the powers of any Conservators

or Overseers for the preservation of salmon previously appointed, and all other powers of appointing such, will be absolutely determined within the District : (28 & 29 Vict. c. 121, s. 17).

No objection can be made at any trial, &c., to the validity of any orders or proceedings relating to the appointment of a Board of Conservators in any District after three months from the advertisement of such appointment in the newspaper, and a copy of such newspaper is receivable as evidence in all Courts of Justice : (28 & 29 Vict. c. 121, s. 18).

Where more than one river not included in the same District flows into a common estuary the Secretary of State may define the limits of such estuary, including any of the adjoining coast, and form it into a separate District, and place the whole within the jurisdiction of one or more of the Boards having jurisdiction over such rivers, or under a Board composed of representatives from the other Boards, and may require such Boards to pay a proportion of the licence duties received by them to any other Boards : (28 & 29 Vict. c. 121, s. 19).

A Fishery District may be altered by including or excluding any salmon river or part. Any such alteration is to be made by a certificate of the Secretary of State upon the application of the Conservators, and after six months' notice to any other Board whose District is affected. Where the effect of such alteration is to include a portion of a county not hitherto included, the Justices thereof must add such number of members to the existing Board as the Secretary of State determines ; and where the alteration excludes any county, the members appointed by such county will cease to hold their offices, and the members appointed by the other counties may be increased as the Secretary of State

thinks fit ; but no alteration will affect the powers of any existing Board until the new Districts are constituted, and any change occasioned thereby completely carried into effect. Notices of any alteration must be advertised in some newspaper circulated in the District affected : (28 & 29 Vict. c. 121. s. 20).

PROCEEDINGS OF BOARDS OF CONSERVATORS.

A Board of Conservators appointed under the Salmon Fishery Act of 1865 is a body corporate, having perpetual succession and a common seal, with power to make contracts, and to sue and be sued in a common name : (28 & 29 Vict. c. 121, s. 21).

The Conservators are to make regulations for the election of a chairman, the summoning, notice, place, management, and adjournment of their meetings, and generally for the transaction of business, including the quorum at meetings, as they think fit, except that their first meeting is to be held at the time and place fixed by the Fishery Committee (s. 12); also that an extraordinary meeting may be summoned at any time by three members of the Board; the quorum to be fixed must consist of not less than three, and every question be decided by a majority of the members voting, the chairman having a casting vote : (28 & 29 Vict. c. 121, s. 22).

The Conservators may appoint committees of their members, may fix a quorum for each committee, and may lay down rules for its guidance. Every question before a committee will be decided by a majority of members voting, the chairman having a casting vote : (28 & 29 Vict. c. 121, s. 23).

No act of the Conservators can be questioned on

account of any vacancy in their body ; and no defect in the qualification or appointment of any person acting as member will vitiate any proceedings of the Board : (28 & 29 Vict. c. 121, s. 25).

Any minute made at a meeting of Conservators, if signed by the chairman, either at the meeting or at the next meeting at which such person is present, will be receivable in evidence in all legal proceedings ; and until the contrary is proved every meeting of which minutes have been so made will be deemed to have been duly convened and held, and all members thereof duly qualified : (28 & 29 Vict. c. 121, s. 26).

Conservators appointed under the Salmon Fishery Act 1865 have power within their District to appoint a sufficient number of water bailiffs (for which purpose they may obtain the services of additional constables under the 3 & 4 Vict. c. 88, s. 19 (a), with all the powers and privileges of water bailiffs) and other officers ; to issue licences for fishing as provided in the schedule ; to purchase by agreement, for the purpose only of removal, for the benefit of the fisheries, dams, fishing weirs, fishing milldams, or fixed engines ; to take proceedings

(a) By 3 & 4 Vict. c. 88, s. 19, it is enacted " That it shall be lawful for the chief constable of any county, with the approval of the justices of the county in general or quarter session assembled (if he shall think fit), on the application of any person or persons showing the necessity thereof, to appoint and cause to be sworn in any additional number of constables, at any place within the limits of his authority, at the charge of the person or persons by whom the application shall be made, but subject to the orders of the chief constable, and for such time as he shall think fit ; and every such constable shall have all the powers, privileges and duties of other county constables : provided always that it shall be lawful for the person or persons on whose application such appointment shall have been made, upon giving one calendar month's notice in writing to the chief constable, to require that the constables so appointed shall be discontinued, and thereupon the chief constable shall discontinue such additional constables."

against persons violating the Salmon Fishery Acts 1861, 1865, or for removing such weirs or other fixed engines as are illegal; and generally to do such acts as they may deem expedient for the improvement of the salmon fisheries (a). But no Conservator is himself to receive any remuneration, nor will these powers authorise anything to be done which may injuriously affect any navigable river, canal, or inland navigation: (28 & 29 Vict. c. 121, s. 27).

Conservators may, with the consent of the Secretary of State, borrow on the credit of the licence duties, &c., any money necessary for their expenses, and may mortgage such duties, &c.; the clauses of the Commissioners Clauses Act 1847, with respect to mortgages, being incorporated (b) with the Act of 1865: (28 & 29 Vict. c. 121, s. 28).

(a) For powers and proceedings of fishery district boards in Scotland, see 25 & 26 Vict. c. 97, Appendix, p. 109.

(b) The powers conferred by the Commissioners Clauses Act (10 Vict. c. 16) may be extended to such bodies as are constituted by any "special Act," with which any of its clauses may be incorporated, to be construed as if such clauses were set forth therein with reference to the matter to which such Act relates (ss. 1, 5). With respect to mortgages on security of property, they shall be by deed, duly stamped, and be under seal of the commissioners (i.e., Board of Conservators, *vide supra*) (s. 75). A register, in which entries shall be made within fourteen days of date, shall be kept by the clerk, and be open to inspection without fee (s. 76); mortgages may be transferred (s. 77); transfers to be registered within thirty days on payment of fee of five shillings; except to whom mortgage be last transferred, no person shall have power to discharge same (s. 78); interest to be paid half-yearly unless otherwise provided (s. 79); money may be borrowed at a lower rate of interest to pay off mortgages at a higher rate (s. 80); time of repayment (at the office of the conservators) may be inserted in the deed (s. 81); if no time fixed, payment may be demanded after expiration of twelve months on giving six months' notice; in like manner the conservators may pay off any mortgage on giving like notice (s. 82); interest to cease after expiration of notice, unless default be made by the conservators (s. 83), who shall set apart annually out of their property the prescribed part as a sinking fund to be

Accounts of the Conservators, with such particulars as may be required by the Quarter Sessions of the audit county, are to be laid annually before such Quarter Sessions, and the Justices may disallow any item they consider illegal: (28 & 29 Vict. c. 121, s. 29).

Any Conservator or water bailiff so appointed may examine any dam, fishing weir, fishing milldam, or fixed engine within the limits of his District, or any artificial watercourse connected with a salmon river, and any owner or occupier refusing access to such dam, weir, engine, or watercourse, will be liable to a penalty not exceeding five pounds for each offence.

A Conservator or water bailiff may search all boats, nets, baskets, and other instruments used in fishing in salmon rivers, he may seize all illegal nets and other instruments of fishing, and all fish and other articles forfeited in pursuance of the Salmon Fishery Acts 1861, 1865, and generally may act as a constable for the enforcement of these Acts, for which he has all the powers of a constable appointed by virtue of the common law, or of any statute; and the production of a certificate of his being a Conservator, and of the instrument of his appointment as a water bailiff respectively, will be sufficient warrant for his exercising these authorities: (28 & 29 Vict. c. 121, s. 30).

Any Justice, on the application of a Conservator or water bailiff on oath, that he suspects that acts in contravention of the law are being or are likely to be done

invested in Government securities until sufficient to pay off mortgages (s. 84); if more than one mortgage, the conservators shall decide by lot the order in which such shall be paid off after six months' notice, signed by their clerk, to the mortgagee (s. 85); books of the conservators shall be open at all reasonable times to inspection of mortgagees, with liberty to take extracts (s. 88).

on land near to a salmon river, may authorise such Conservator or bailiff, during a limited period not exceeding twenty-four hours, to enter on the land during any hours of the day or night for the purpose of detecting the guilty persons : (28 & 29 Vict. 121, s. 31).

Any Justice, upon information upon oath that there is probable cause to suspect any breach of the provisions of the Salmon Acts to have been committed on any premises, or any salmon illegally taken or any illegal nets or other engines to be concealed on any premises, may authorise any inspector, water bailiff, conservator, constable, or police officer at any time to enter such premises for the purposes of detecting such offence or such concealed fish, and to seize all illegal engines or any salmon illegally taken : (24 & 25 Vict. c. 109, s. 34).

In any Fishery District subject to the control of Conservators licences are to be granted at fixed prices to all persons using any rod and line for fishing for salmon, and in respect of all fishing weirs, fishing milldams, putts, putchers, nets, or other instruments or devices, except rods and lines, whereby salmon are caught ; and the produce of such licences is to be applied in defraying the expenses of carrying into effect in such district the Salmon Fishery Acts 1861 and 1865 (28 & 29 Vict. c. 121, s. 33). And all penalties recovered by them, unless there be any special reason to the contrary, are to be applied to like purposes : (s. 62).

A licence for the use of a rod and line within a Fishery District is to be granted on payment of one pound, or such less sum as may be determined by the Conservators, such licence not to be transferable.

Licences for fishing weirs, fishing milldams, putts, putchers, nets, and other instruments or devices, except

rods and lines for catching salmon, are to be granted on payment of such sums (not exceeding those specified) as may be determined by the Conservators, with the approval of the Secretary of State, but available only for the persons within the Districts, and for the instruments in respect of which they are respectively granted.

The approval of the Secretary of State to any such scale of licences cannot be given unless one month's notice of the intention to apply for such approval has been given, stating the scale proposed by the Conservators, in some public newspaper circulating in the district.

Any person entitled to an exclusive right of fishing for salmon in any river may obtain a general licence; and such general licence will enable the licensee or any person authorised by him in writing without any other licence, to fish for salmon in any legal manner in such river. The Conservators may determine, with the sanction of the Secretary of State, the sum to be paid for such general licence.

All persons tendering the amount of duty shall be entitled to receive a licence without any question. But no licence will confer any right to which the licensee is not otherwise entitled; nor make any fishing weir, fishing milldam, putts, putchers, net, &c., legal that would otherwise be illegal.

All licences will be available only during the fishing season of the year for which they are granted, and must be issued by the Conservators in such form as may be approved by the Secretary of State, and distributed as they may direct. The Conservators on their first appointment are to give notice, by advertisement in one or more newspapers circulating in their District, of a time, not being less than three months after such

appointment, at the expiration of which it will be illegal to fish for salmon without a licence, and state where licences may be procured ; and the production of a copy of a newspaper containing such advertisement will be evidence of due notice having been given of the time after which it will be illegal to fish for salmon without licences : (28 & 29 Vict. c. 121, s. 34).

After an appointed time in a Fishery District any person fishing for salmon with rod and line without a licence will be liable to a penalty of not less than double the amount of the licence, and not exceeding five pounds (28 & 29 Vict. c. 121, s. 35) ; and for using any other device without licence the like penalty of double the amount, not exceeding twenty pounds : (s. 36).

Any licensee, conservator, or water bailiff, or constable authorised by the Justices, may require any person found fishing with a rod and line, fishing weir or fishing mill-dam, net, or other instrument, to produce his licence ; and if he do not, or make a reasonable excuse for the non-production thereof, he will be liable to a penalty not exceeding one pound : (28 & 29 Vict. c. 121, s. 37).

A county of a city or town is deemed to be a county ; and any act authorised to be done by or to the Justices of a county is, in the case of a county of a city or town, to be done by or to the Council at any meeting, the town clerk representing the clerk of the peace ; and notice of a meeting of Council is equivalent to the notice of Quarter Sessions : (28 & 29 Vict. c. 121, s. 38).

No person having salmon roe, or unseasonable salmon, in his possession, or catching salmon when spawning for scientific purposes, will be exempt from the penalties under sects. 14, 15 and 16 of 24 & 25 Vict. c. 109, in a District where a Board of Conservators is established, unless he have obtained the consent of such Board to

such possession, &c.: (28 & 29 Vict. c. 121, s. 60). As to having trout roe also for scientific purposes, see s. 64.

SUPERVISION BY THE SECRETARY OF STATE.

To provide more effectually for the beneficial operation of the fishery laws the general superintendence of the salmon fisheries throughout England is vested in the Home Office, and the Home Office may appoint Inspectors of Fisheries, assign to them their duties, &c.: (24 & 25 Vict. c. 109, s. 31).

The Secretary of State may form salmon rivers into Fishery Districts (28 & 29 Vict. c. 121, s. 4), and define the limits thereof (s. 5). He may form an estuary common to several rivers into a separate District (s. 19), and alter any District from time to time (s. 20). See "Appointment of Boards of Conservators."

The Secretary of State is to approve the scale of licences for fishing weirs, &c., proposed after due notice, and also the payment for a general fishing licence as well as of the form of licences to be issued by District Conservators. See "Proceedings of Board of Conservators."

He may vary the Close Season (24 & 25 Vict. c. 109, s. 18, and 28 & 29 Vict. c. 121, s. 24), and approve the mode of preventing salmon from passing into putts, &c., during Weekly Close Time (24 & 25 Vict. c. 109, s. 21). See "Regulation of Close Season."

The Secretary of State is to approve the fish pass erected in any fishing mill dam (24 & 25 Vict. c. 109, s. 12); approve a fish pass proposed to be erected in any existing dam (s. 23), due notice having been given (s. 24); may order a fish pass to be attached to

any future dam (s. 25); authorise departure from regulations concerning gaps in weirs, &c. (s. 27); or direct the alteration of any fish pass or free gap: (28 & 29 Vict. c. 121, s. 32).

A copy of any certificate or order of the Secretary of State in pursuance of the Salmon Fisheries Acts 1861, 1865, bearing the official stamp of his office, and signed by any person by his order, is admissible in evidence: (28 & 29 Vict. c. 121, s. 53).

The Home Office must annually lay before Parliament reports from the Inspectors, containing statistical and other information and suggestions for the regulation and improvement of the Fisheries: (24 & 25 Vict. c. 109, s. 32).

LEGAL PROCEEDINGS.

For the recovery of penalties and the enforcing the observance of the law it is provided that all penalties and costs recoverable in a summary manner may be recovered, within six months of the offence, before two Justices, as directed by the 11 & 12 Vict. c. 43 (a); and not exceeding

(a) The Administration of Justice (No. 2) Act (11 & 12 Vict. c. 43), consolidates the practice with respect to summary convictions before justices. According to this statute, in all cases where information is laid, a summons may be issued, and no objection shall be taken for want of form (s. 1). If disobeyed, warrant may issue (s. 2). Aiders or abettors liable to same penalties (s. 5). Attendance of witnesses may be compelled, who, on refusal to be examined, may be imprisoned not exceeding seven days (s. 7). Costs may be awarded to either complainant or defendant, recoverable by distress, and, in default, imprisonment may follow, not exceeding one month, with or without hard labour (s. 18). On conviction, penalties may be levied by distress (s. 19), and, in default of sufficient distress, defendant may be imprisoned for any term not exceeding three months (s. 22). Information may be laid before one justice, who may thereupon summon the offender to appear before two justices, compel attendance of witnesses, and do all other necessary acts prelimi-

one half of any penalty is to be paid to the person on whose complaint it is recovered, and the remainder as directed by the above-mentioned Act; and all forfeitures are to be disposed of as the Court may direct, and the proceeds applied in like manner as penalties: (24 & 25 Vict. c. 109, s. 35).

Where any penalty is recovered on the complaint of a person authorised by a Board of Conservators, the Court, unless for special reason they think it inexpedient, will direct the whole of the penalty and the proceeds of any forfeiture to be paid to the Board (a) to be applied for the purposes of the Salmon Fishery Acts 1861, 1865: (28 & 29 Vict. c. 121, s. 62).

Any person having been convicted twice of an offence under sects. 8, 9, 14, 17, or 19, of the Salmon Fishery Act 1861, may, on being convicted a third time, instead of being fined, be sentenced to imprisonment with hard labour, not exceeding six months; and if a licensee is convicted a second time of an offence against the Acts of 1861 or 1865 he will forfeit his licence: (28 & 29 Vict. c. 121, s. 56).

Any penalty for a second offence under either Act is to be not less than one half the greatest penalty capable of being imposed; and for a third or any subsequent offence the greatest amount mentioned is to be imposed, subject to the discretion of imposing hard labour: (28 & 29 Vict. c. 121, s. 57).

nary to the hearing, before two justices present and acting together; and after the hearing, one justice may issue all warrants of distress or commitment thereon, though he be not one of the justices who determined the case (s. 29). Metropolitan police magistrate or alderman of London may act alone (ss. 83, 84).

(a) For recovery of penalties in Scotland, see 25 & 26 Vict. c. 97, Appendix, p. iii.

No Justice shall be disqualified from hearing any case arising under these Acts by reason of his being a Conservator, or a subscriber to any society for the protection of salmon, if the offence be not committed on his own land : (28 & 29 Vict. c. 121, s. 61).

Conservators are empowered to take proceedings for violation of the law. See "Proceedings of Boards of Conservators." They have the powers of constables, and may enter any lands to detect offenders, &c.

Where any offence is committed in water forming the boundary between two counties, &c., it may be prosecuted before any Justice in either county : (24 & 25 Vict. c. 109, s. 36).

Any offence committed on the coast or at sea, beyond the ordinary jurisdiction of any Justice, is to be deemed to have been committed within any county abutting on such coast, &c. : (24 & 25 Vict. c. 109, s. 37).

Any person aggrieved by any penalty or forfeiture may appeal to the Quarter Sessions, holden not less than fifteen days nor more than four months after the decision of the Justices ; but within three days after the cause of appeal has arisen the appellant must give notice of his intention to the other party, enter into a recognizance to try such appeal, and pay such costs as may be awarded : (28 & 29 Vict. c. 121, s. 66).

For proceedings by action in reference to the pollution of rivers, &c., see 24 & 25 Vict. c. 109, ss. 6 and 7 ; and as to fixed engines, weirs, &c., see "Proceedings of Special Commissioners."

Nothing is to prejudice the legal right of any Conservators or body to dredge, scour, cleanse, or improve any navigable river, canal, or other inland navigation : (24 & 25 Vict. c. 109, s. 38).

The Salmon Fishery Acts for England so far as they

are consistent are to be read as one (28 & 29 Vict. c. 121, s. 2). They do not extend to Scotland, Ireland, or the river Tweed : (a) (24 & 25 Vict. c. 109, s. 2).

(a) By the Tweed Fishery Acts (20 & 21 Vict. c. cxlviii., and 22 & 23 Vict. c. lxx), proprietors of 30*l.* value are constituted commissioners, whose proceedings are regulated, and who may appoint water bailiffs, having the powers of constables, for the apprehension of offenders, who may be seized and taken before a justice in England or sheriff in Scotland. Penalty for resisting apprehension, not exceeding 5*l.* The annual close time for nets, &c., extends from 14th September to 15th February, and for rods from 30th November to 1st February; and the weekly close time from 6 p.m. Saturday to 6 a.m. Monday, except as to rods; also as to stake and bag nets, which must not be used between the low water next before 6 p.m. on Saturday and low water before 6 a.m. on Monday. Penalty for having or selling fish taken during close time, 10*s.*, and 2*l.* for each fish. Boats and nets must be removed during close time, under a penalty of 20*l.*, and, in default, they may be seized by the bailiffs, who may enter premises by force to search, if necessary. No person without a licence or having a right of fishery may have any net or engine used for killing salmon within five miles of the Tweed, under penalty of 20*l.* beyond the forfeit of any such implements, search-warrants for which may be granted by any justice or sheriff. Any person using any ferry-boat for fishing is liable to a penalty of 10*l.*; and the owner of any such boat not having his name painted thereon is liable to a penalty of 5*l.* So, also, any other boat must bear its owner's name and a number, and boats for angling must be distinguished from boats for nets, under like penalty for default in either case. No fixed engine is allowed under penalty of 20*l.*, and 10*l.* per day in addition to 10*s.* for every fish caught by such means; and the commissioners may remove such engines. All milldams, weirs, &c., must be constructed so as to permit the free passage of salmon, and the commissioners may make alterations therein for this purpose, and cause owners to clear away rocks, mud, and other obstructions. Any person beating the water or otherwise obstructing the passage of fish is liable to a penalty of 20*l.* and the forfeiture of implements. The meshes of nets must not be less than one inch and three-quarters from knot to knot, under penalty of 10*l.*, 10*s.* for each salmon caught, and forfeiture of both. Penalty for using pout nets or rake hooks, or having same within five miles of the Tweed, 2*l.*, and 10*s.* each fish, in addition to forfeiture of both (scoop nets are excepted). Penalty for working any wear shot net within thirty yards of any other not fully landed, 5*l.*; for killing salmon by any leister or spear, &c., 10*l.*, and 10*s.* each fish; and having any such within five miles, 2*l.*, and to forfeit fish and instruments in each case; for poisoning river, 5*l.*,

second offence, 10*l.*, and 2*l.* per day during continuance; for laying cinders or rubbish, 40*s.*; for illegally fishing in the season, 10*l.*, and 10*s.* for every fish, and to forfeit in addition boats, tackle, &c.; for entering land with such illegal intent, 5*l.*; for taking unseasonable fish, 5*l.*; for the use of any cleek, &c., for landing fish other than a landing-net by anglers between 15th September and 1st May, 5*l.*; for refusing to deliver up salmon taken when fishing for trout, 2*l.* for each salmon; for destroying smolt, &c., or spawn of salmon, except by rods, or disturbing spawning-beds, 10*l.*, and 2*s.* each fish in addition to forfeiture of tackle and fish; for wilfully destroying smolt, &c., with rods between 1st April and 1st June, the like penalty. And all penalties may be recovered before a justice or the sheriff, in a summary manner, within six months of the offence, and subject to appeal. In default of sufficient distress, offenders may be imprisoned for two, three, and four months for first, second, and third offences respectively.

APPENDIX.

STATUTES.

COMMISSIONERS CLAUSES 1847.

10 VICT. c. 16 (a).

An Act for consolidating in one Act certain Provisions usually contained in Acts with respect to the Constitution and Regulation of Bodies of Commissioners appointed for carrying on Undertakings of a public Nature.
[23rd April, 1847.]

Extent of Act.—Whereas it is expedient to comprise in one Act sundry provisions usually contained in Acts of Parliament authorising the execution of undertakings of a public nature by bodies of commissioners, trustees, or other persons, not being joint stock companies, and that as well for avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for ensuring greater uniformity in the provisions themselves; be it enacted, by the Queen's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that this Act shall extend only to such undertakings or commissioners as shall be authorised or constituted by any Act of parliament hereafter to be passed, which shall declare that this Act shall be incorporated therewith; and all the clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the commissioners constituted by such Act and to the undertaking for carrying on which such commissioners shall be constituted, so far as the same shall be applicable thereto respectively; and such clauses, with the clauses of every other Act which shall be incorporated therewith, shall, save as aforesaid, form part of such Act, and be construed therewith as forming one Act.

Interpretations in this Act.—And with respect to the con-

(a) See 28 & 29 Vict. c. 121, s. 28, p. 86.

struction of this Act and any Act incorporated therewith, be it enacted as follows :

2. The expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed, constituting a body of commissioners as hereinafter defined for the purpose of carrying on any undertaking, and with which this Act shall be incorporated; and the word "prescribed" used in this Act, in reference to any matter herein stated shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed" the expression "prescribed for that purpose in the special Act" had been used; and the expression "the undertaking" shall mean the undertaking of works, of whatever nature, which shall by the special Act be authorised to be executed or carried on; and the expression "the commissioners" shall mean the commissioners, trustees, undertakers, or other persons or body corporate constituted by the special Act, or thereby entrusted with powers for executing the undertaking.

3. *Interpretations in this and the special Act.*—The following words and expressions, both in this and the special Act, and any Act incorporated therewith, shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction; (that is to say,)

Words importing the singular number only shall include the plural number; and words importing the plural number only shall include the singular number :

Words importing the masculine gender only shall include females :

The word "person" shall include a corporation, whether aggregate or sole :

The word "lands" shall extend to messuages, lands, tenements, and hereditaments or heritages of any tenure :

The word "month" shall mean calendar month :

The expression "superior courts" where the matter submitted to the cognisance of the court arises in England or Ireland, shall mean Her Majesty's superior courts of record at Westminster or Dublin, as the case may require, and shall include the Court of Common Pleas of the county palatine of Lancaster and the Court of Pleas of the county of Durham.

The word "oath" shall include affirmation in the case of quakers, and any declaration lawfully substituted for an oath in the case of any other persons allowed by law to make a declaration instead of taking an oath :

The word "county" shall include riding or other division of a county having a separate commission of the peace, and it shall also include county of a city or county of a town :

The word "justice" shall mean justice of the peace acting for the place where the matter requiring the cognisance of any such justice arises; and where any matter is autho-

rised or required to be done by two justices, the expression "two justices" shall be understood to mean two or more justices met and acting together:

The expression "quarter sessions" shall mean quarter sessions as defined in the special Act; and if such expression be not there defined, it shall mean the general or quarter sessions of the peace which shall be held at the place nearest to the undertaking for the county or place in which the undertaking, or the principal office thereof, is situate, or for some division of such county having a separate commission of the peace:

The expression "the clerk" shall mean the clerk of the commissioners, and shall include the word "secretary."

The expression "the town" shall mean the town or district named in the special Act within which the powers of the commissioners are to be exercised.

And with respect to citing this Act, or any part thereof, be it enacted as follows:

4. *Short Title of this Act.*—In citing this Act in other Acts of Parliament, and in legal instruments, it shall be sufficient to use the expression "The Commissioners Clauses Act, 1847."

5. *Form in which portions of this Act may be incorporated with other Acts.*—For the purpose of incorporating part only of this Act with any Act of Parliament hereafter to be passed, it shall be enough to describe the clauses of this Act with respect to any matter in the words introductory to the enactment with respect to such matter, and to enact that the clauses so described, or that this Act with the exception of the clauses so described, shall be incorporated with such Act; and thereupon all the clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if such clauses were set forth therein with reference to the matter to which such Act relates.

And with respect to the mortgages to be executed by the commissioners, be it enacted as follows (a):

75. *Form of Mortgage.*—Every mortgage or assignation in security of rates or other property authorised to be made under the provisions of this or the special Act shall be by deed duly stamped, in which the consideration shall be truly stated; and every such deed shall be under the common seal of the commissioners if they be a body corporate, and may be according to the form in the schedule (B.) to this Act annexed (b), or to the like effect;

(a) Words which refer to Scotland, and are inapplicable, are omitted.

(b) The Form of Mortgage given in the schedule is as follows:

By virtue of [here name the special Act], we [here name the corporation, if the commissioners be incorporated] appointed in pursuance of the said Act, in consideration of the sum of paid to the treasurer to the said commissioners by A. B of for the purposes of the said Act, do grant and assign unto the said A. B., his executors, administrators, and assigns, such proportion of the rates, rents, profits, and other moneys arising or accruing by virtue of the said Act from [here describe the rates or other property proposed to be mortgaged] as the said sum of doth or shall bear to

and the respective mortgagees or assignees in security shall be entitled one with another to their respective proportions of the rates and assessments or other property comprised in such mortgages or assignments respectively, according to the respective sums in such mortgages or assignments mentioned to be advanced by such mortgagees or assignees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another by reason of the priority of advancing such moneys, or of the dates of any such mortgages or assignments respectively.

76. *Register of Mortgages to be kept and to be open to inspection.*—A register of mortgages or assignments in security shall be kept by the clerk to the commissioners, and where by the special Act the commissioners are authorised or required to raise separate sums on separate rates or other property, a separate register shall be kept for each class of mortgages or assignments in security, and within fourteen days after the date of any mortgage or assignment in security an entry or memorial of the number and date thereof, and of the names of the parties thereto, with their proper additions, shall be made in the proper register, and every such register may be perused at all reasonable times by any person interested in any such mortgage or assignment in security without fee or reward.

77. *Transfers of Mortgages.*—Any person entitled to any such mortgage or assignment may transfer his right and interest therein to any other person; and every such transfer shall be by deed duly stamped, wherein the consideration shall be truly stated; and every such transfer may be according to the form in the schedule (C.) to this Act annexed (a), or to the like effect.

78. *Register of Transfers to be kept.*—Within thirty days after the date of every such transfer, if executed within the United Kingdom, or otherwise within thirty days after the arrival thereof in the United Kingdom, it shall be produced to the

the whole sum which is or shall be borrowed upon the credit of the said rates, rents, profits, or moneys, to hold to the said A. B., his executors, administrators, and assigns, from this day until the said sum of _____ with interest at _____ per centum per annum for the same, shall be fully paid and satisfied (the principal sum to be repaid at the end of _____ years from the date hereof [in case any period be agreed upon for that purpose]). Given under our corporate seal [or, in witness whereof we have hereunto set our hands and seals], this _____ day of _____, one thousand eight hundred and _____

(a) The Form of Transfer of Mortgage is as follows:

I, A. B., of _____ in consideration of the sum of _____ paid to me by C. D. of _____ do hereby transfer to the said C. D., his executors, administrators, and assigns, a certain mortgage, number _____ made by "the commissioners for executing the [here name the special Act]" to _____ bearing date the _____ day of _____ for securing the sum of _____ and interest [or, if such transfer be by indorsement, the within security], and all my right, estate, and interest in and to the money thereby secured, and in and to the rates, rents, profits, or other moneys thereby assigned. In witness whereof I have hereunto set my hand and seal this _____ day of _____ one thousand eight hundred and _____

clerk to the commissioners, and thereupon such clerk shall cause an entry or memorial thereof to be made, in the same manner as in the case of the original mortgage or assignation in security, and for such entry the clerk may demand a sum not exceeding five shillings; and after such entry every such transfer shall entitle the transferee, his executors, administrators, or assigns, to the full benefit of the original mortgage or assignation in security, and the principal and interest thereby secured; and such transferee may in like manner assign or transfer the same again, *toties quoties*; and it shall not be in the power of any person, except the person to whom the same shall have been last transferred, his executors, administrators, or assigns, to make void, release, or discharge the mortgage or assignation so transferred, or any money thereby secured.

79. *Interest on Mortgages to be paid half-yearly.*—Unless otherwise provided by any mortgage or assignation in security, the interest of the money borrowed thereupon shall be paid half-yearly to the several parties entitled thereto.

80. *Power to borrow Money at a lower rate of Interest to pay off Securities at a higher rate.*—If the commissioners can at any time borrow or take up any sum of money at a lower rate of interest than any securities given by them and then be (*sic.*) in force shall bear, they may borrow such sum at such lower rate as aforesaid, in order to pay off and discharge the securities bearing such higher rate of interest, and may charge the rates and other property which they may be authorised to mortgage or assign in security under this or the special Act, or any part thereof, with payment of such sum and such lower rate of interest, in such manner and subject to such regulations as are herein contained with respect to other moneys borrowed on mortgage or assignation in security.

81. *Repayment of Money borrowed at a time and place agreed upon.*—The commissioners may, if they think proper, fix a period for the repayment of all principal moneys borrowed under the provisions of this or the special Act, with the interest thereof, and in such case the commissioners shall cause such period to be inserted in the mortgage deed or assignation in security; and upon the expiration of such period the principal sum, together with the arrears of interest thereon, shall, on demand, be paid to the party entitled to receive such principal money and interest, and if no other place of payment be inserted in such deed, such principal and interest shall be payable at the office of the commissioners.

82. *Repayment of Money borrowed when no time or place has been agreed upon.*—If no time be fixed in the mortgage deed or assignation in security for the repayment of the money so borrowed, the party intitled to receive such money may, at the expiration, or at any time after the expiration, of twelve months from the date of such deed, demand payment of the principal money thereby secured, with all arrears of interest, upon giving six months' previous notice for that purpose, and in the like case

the commissioners may at any time pay off the money borrowed, on giving the like notice; and every such notice shall be in writing or print, or both, and if given by a mortgagee or creditor shall be delivered to the clerk or left at the office of the commissioners, and if given by the commissioners shall be given either personally to such mortgagee or creditor, or left at his residence, or if such mortgagee or creditor be unknown to the commissioners, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the *London Gazette*.

83. *Interest to cease on expiration of Notice to pay off a Mortgage debt.*—If the commissioners shall have given notice of their intention to pay off any such mortgage or assignation in security at a time when the same may lawfully be paid off by them, then at the expiration of such notice all further interest shall cease to be payable thereon, unless, on demand of payment made pursuant to such notice, or at any time thereafter, the commissioners fail to pay the principal and interest due at the expiration of such notice on such mortgage or assignation in security.

84. *Moneys borrowed on security of Rates to be paid off in a limited period.*—In order to discharge the principal money borrowed as aforesaid on security of any of the rates, the commissioners shall every year appropriate and set apart out of such rates respectively a sum equal to the prescribed part, as a sinking fund to be applied in paying off the respective principal moneys so borrowed, and shall from time to time cause such sinking fund to be invested in the purchase of exchequer bills or other government securities, and to be increased by accumulation in the way of compound interest or otherwise, until the same respectively shall be of sufficient amount to pay off the principal debts respectively to which such sinking fund shall be applicable, or some part thereof which the commissioners shall think ought then to be paid off, at which time the same shall be so applied in paying off the same in manner hereinafter mentioned.

85. *Mode of paying off Mortgages.*—Whenever the commissioners shall be enabled to pay off one or more of the mortgages or assignations in security which shall be then payable, and shall not be able to pay off the whole of the same class, they shall decide the order in which they shall be paid off by lot among the class to which such one or more of the mortgages or assignations in security belong, and shall cause a notice, signed by their clerk, to be given to the persons entitled to the money to be paid off, pursuant to such lot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at a place to be specified, at the expiration of six months from the date of giving such notice.

88. *Account Books to be open to the Inspection of Mortgagees.*—The books of account of the commissioners shall be open at all seasonable times to the inspection of the respective mortgagees or assignees in security of the commissioners, with liberty to take extracts therefrom without fee or reward.

SALMON FISHERIES 1861.

24 & 25 VICT. c. 109.

An Act to amend the Laws relating to Fisheries of Salmon in England.—[6th August, 1861.]

WHEREAS the salmon fisheries of England have of late years been greatly injured, and for the purpose of increasing the supply of salmon it is expedient to amend the laws relating to fisheries of salmon in England: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. *Short Title.*—This Act may be cited for all purposes as "The Salmon Fishery Act 1861."

2. *Application of Act.*—This Act shall not extend to Scotland or Ireland, or to the river Tweed (a), as defined by "The Tweed Fisheries Amendment Act 1859."

3. *Commencement of Act.*—This Act shall not come into operation until the first day of October, One thousand eight hundred and sixty-one.

4. *Definition of Terms.*—In this Act, unless there is something inconsistent in the context, the words and expressions hereinafter mentioned shall have respectively the meanings hereby assigned to them; that is to say,

"Person" shall include any body of persons, corporate or unincorporate:

"Salmon" shall include all migratory fish of the genus Salmon, whether known by the names hereinafter mentioned, that is to say, salmon, cock or kipper, kelt, laurel, girling, grilse, botcher, blue cock, blue pole, fork tail, mort, peal, herring peal, May peal, pugg peal, harvest cock, sea trout, white trout, sewin, buntling, guiniad, tubs, yellow fin, sprod, herling, whiting, bull trout, whitling, scurf, burn tail, fry, samlet, smolt, smelt, skirling or skarling, parr, spawn, pink, last spring, hepper, last brood, gravelling, shed, scad, blue fin, black tip, fingerling, brandling, brondling, or by any other local name:

"Young of salmon" shall include all young of the salmon species, whether known by the names of fry, samlet, smolt, smelt, skirling or skarling, par, spawn, pink, last spring, hepper, last brood, gravelling, shed, scad, blue fin, black tip, fingerling, brandling, brondling, or by any other name, local or otherwise:

"Court" shall include two or more magistrates assembled in petty sessions:

(a) See Note, p. 53.

- "Tidal waters" shall include the sea, and all rivers, creeks, streams, and other water as far as the tide flows and reflows:
 "Inland waters" shall mean all waters that are not tidal waters:
 "Dam" shall mean all weirs and other fixed obstructions used for the purpose of damming up water:
 "Fishing weir" shall mean a dam used for the exclusive purpose of catching or facilitating the catching of fish:
 "Fishing milldam" shall mean a dam used or intended to be used partly for the purpose of catching or facilitating the catching of fish, and partly for the purpose of supplying water for milling or other purposes:
 "Fixed engine" shall include stake nets, bag nets, putts, putchers, and all fixed implements or engines for catching or for facilitating the catching of fish:
 "Home Office" shall mean one of her Majesty's principal Secretaries of State.

LAW OF FISHING.

Prohibition of Certain Modes of Destroying Fish.

5. *Penalty on mixing Poisonous Substances in Rivers.*—Every person who causes or knowingly permits to flow, or puts or knowingly permits to be put, into any waters containing salmon, or into any tributaries thereof, any liquid or solid matter to such an extent as to cause the waters to poison (a) or kill fish, shall incur the following penalties; that is to say,

- (1.) Upon the first conviction a penalty not exceeding 5*l.*:
- (2.) Upon the second conviction a penalty not exceeding 10*l.*, and a further penalty not exceeding 2*l.* for every day during which such offence is continued:
- (3.) Upon the third or any subsequent conviction, a penalty not exceeding 20*l.* a day for every day during which such offence is continued, commencing from the date of the third conviction.

But no person shall be subject to the foregoing penalties for any act done in the exercise of any right to which he is by law entitled, if he prove to the satisfaction of the court before whom he is tried that he has used the best practicable means, within a reasonable cost (b), to render harmless the liquid or solid matter so permitted to flow or to be put into waters; but nothing herein contained shall prevent any person from acquiring a legal right in cases where he would have acquired it if this Act had not passed, or exempt any person from any punishment to which he would otherwise be subject, or legalise any act or default that would but for this Act be deemed to be a nuisance (c) or otherwise be contrary to law.

6. *Power to have Question under Preceding Section decided by Jury.*—Where any proceedings are instituted by any complainant against any person for the recovery of any penalties alleged to have been incurred by him under the last preceding section, if such person, hereinafter referred to as "the defendant," on

(a) See Note (b), p. 22.

(b) See Note (b), p. 3.

(c) See Note, p. 4.

appearing before the justices constituting the court by which he is to be tried in pursuance of this Act, alleges, by way of defence, that he has used the best practicable means, within a reasonable cost, to render such matter harmless, and proves to the satisfaction of the court that in the event of the complaint being decided against him the expense of permanently preventing the matter complained of would, exclusive of costs, exceed 100*l.*, and gives security, to be approved by such court, duly to prosecute his appeal and to abide the event thereof, all proceedings before the justices shall be stayed, and it shall be lawful for such complainant to bring an action (a) in one of her Majesty's superior courts of law at Westminster against the defendant; and the plaintiff in such action shall deliver to the defendant an issue or issues whereby the question whether he has used the best practicable means, within a reasonable cost, to render such matter harmless may be tried; and the form of such issue or issues, in case of dispute, or in the case of non-appearance of the defendant, shall be settled by the court in which the action is brought, and such action shall be prosecuted and issue or issues tried in the same manner, and subject to the same incidents in and subject to which actions are prosecuted and issues tried in other cases within the jurisdiction of such court, or as near thereto as circumstances admit.

7. *Effect of Issue.*—The verdict of the jury on such issue shall, unless the court before which the same is tried orders a new trial, be conclusive as to the questions involved in any subsequent proceedings that may be had for the recovery of any penalties in pursuance of the said section, and any costs that may have been incurred before the justices by the parties to such action as is mentioned in this section shall be deemed to be costs incurred in such action, and be payable accordingly.

8. *Penalty on Fishing with Lights, Spears, &c.*—No person shall do the following things, or any of them—that is to say:

- (1.) Use any light for the purpose of catching salmon:
- (2.) Use any spear, gaff, strokehall, snatch, or other like instrument for catching salmon:
- (3.) Have in his possession a light or any of the foregoing instruments under such circumstances as to satisfy the court before whom he is tried that he intended at the time to catch salmon by means thereof.

And any person acting in contravention of this section shall incur a penalty not exceeding 5*l.*, and shall forfeit any instruments used by him or found in his possession in contravention of this section; but this section shall not apply to any person using a gaff as auxiliary to angling with a rod and line.

9. *Penalty on Using Roe as a Bait.*—No person shall do the following things, or any of them—that is to say:

- (1.) Use any fish roe for the purpose of fishing:
- (2.) Buy, sell, or expose for sale, or have in his possession, any salmon roe.

(a) See Note, p. 6.

And any person acting in contravention of this section shall for each offence incur a penalty not exceeding 2*l.*, and shall forfeit all salmon roe found in his possession; but this section shall not apply to any person who uses or has in his possession salmon roe for artificial propagation or other scientific purposes, or gives any reason satisfactory to the court by whom he is tried for having the same in his possession.

10. *Penalty on using certain Nets.*—No person shall take or attempt to take salmon with any net having a mesh of less dimensions than two inches in extension from knot to knot (the measurement to be made on each side of the square), or eight inches measured round each mesh when wet; and any person acting in contravention of this section shall forfeit all nets and tackle used by him in so doing, and shall for each offence incur a penalty not exceeding 5*l.*; and the placing two or more nets behind or near to each other in such manner as to practically diminish the mesh of the nets used, or the covering the nets used with canvas, or the using any other artifice so as to evade the provisions of this section with respect to the mesh of nets, shall be deemed to be an act in contravention of this section.

11. *Penalty on placing or fixing Fixed Engines.*—No fixed engine of any description shall be placed or used for catching salmon in any inland or tidal waters; and any engine placed or used in contravention of this section may be taken possession of or destroyed (a); and any engine so placed or used, and any salmon taken by such engine, shall be forfeited, and in addition thereto, the owner of any engine placed or used in contravention of this section shall, for each day of so placing or using the same, incur a penalty not exceeding 10*l.*; and for the purposes of this section a net that is secured by anchors, or otherwise temporarily fixed to the soil, shall be deemed to be a fixed engine, but this section shall not affect any ancient right or mode of fishing as lawfully exercised at the time of the passing of this Act by any person by virtue of any grant or charter or immemorial usage (b): Provided always, that nothing in this section contained shall be deemed to apply to fishing weirs or fishing milldams.

12. *Penalty on using certain Dams for catching Salmon.*—The following regulations shall be observed with respect to dams:

(1.) No dam except such fishing weirs and fishing milldams as are lawfully in use (c) at the time of the passing of this Act, by virtue of a grant or charter or immemorial usage, shall be used for the purpose of catching or facilitating the catching of salmon.

1. Any person catching or attempting to catch salmon in contravention of this section shall incur a penalty not exceeding 5*l.* for each offence, and a further penalty not exceeding 1*l.* for each salmon which he catches:

2. All traps, nets, and contrivances used in or in con-

(a) See Note, p. 27.

(b) See Note, p. 29.

(c) See Note, p. 18.

nection with the dam for the purpose of catching salmon shall be forfeited:

3. All salmon caught in contravention of the above prohibition shall be forfeited.

And no fishing weir, although lawfully in use as aforesaid, shall be used for the purposes of catching salmon unless it have therein such free gap as is hereinafter mentioned; and no fishing mill-dam, although lawfully in use as aforesaid, shall be used for the purposes of catching salmon unless it have attached thereto a fish pass of such form and dimensions as shall be approved of by the Home Office, nor unless such fish pass has constantly running through it such a flow of water as will enable salmon to pass up and down such pass, but so nevertheless that such pass shall not be larger nor deeper than requisite for the above purposes (a).

- (2.) No person shall catch or attempt to catch, except by rod and line, any salmon in the head race or tail race of any mill, or within fifty yards below any dam, unless such mill or dam has attached thereto a fish pass of such form and dimensions as may be approved by the Home Office (b), and such fish pass has constantly running through it such a flow of water as will enable salmon to pass up and down it; and if any person acts in contravention of the foregoing provision—

1. He shall incur a penalty not exceeding 2*l.* for each offence, and a further penalty not exceeding 1*l.* for every salmon so caught:
2. He shall forfeit all salmon caught in contravention of this section, and all nets or other instruments used or placed for catching the same.

13. *Penalty on Company or Person not erecting Gratings to prevent the Descent of Salmon into Artificial Streams.*—Where salmon or the young of salmon are led aside out of a main stream by means of any artificial channel used for the purpose of supplying towns with water, or for supplying any navigable canal, the company, or persons having the control over such artificial channel, shall, within six months after the commencement of this Act, put up and shall maintain, at their own costs and charges, a grating or gratings across such channel, for the purpose of preventing the descent of the salmon or the young of salmon, and such grating or gratings shall be placed in such form and manner as may be approved by one of the inspectors in this Act mentioned; and any company or persons failing to put a grating or gratings in cases where they are required to do so by this section shall incur a penalty not exceeding 5*l.* for every day after the expiration of such period of six months during which he fails to comply with the provisions of this section; and any such company or person failing so to maintain the same shall incur a penalty not exceeding 1*l.* for every day during which such failure continues: Provided always, that no such grating shall be so placed as to interfere with the passage of boats on any navigable canal.

(a) See Note (a), p. 22.

(b) See Note, p. 19.

Prohibition of the Destruction of Unseasonable Fish.

14. *Penalty on taking Unclean Fish.*—No person shall do any of the following things; that is to say,

- (1.) Wilfully take any unclean or unseasonable (a) salmon;
- (2.) Buy, sell, or expose for sale, or have in his possession, any unclean or unseasonable (a) salmon, or any part thereof:

And any person acting in contravention of this section shall incur the following penalties; that is to say,

- (1.) He shall forfeit any fish taken, bought, sold, or exposed for sale, or in his possession;
- (2.) He shall incur a penalty not exceeding 5*l.*, in respect of each fish taken, sold, or exposed for sale, or in his possession:

But this section shall not apply—

- (1.) To any person who takes such fish accidentally, and forthwith returns the same to the water with the least possible injury;
- (2.) To any person who takes or is in possession of such fish for artificial propagation, or other scientific purposes.

15. *Penalty on taking the Young of Salmon.*—No person shall do the following things, or any of them; that is to say,

- (1.) Wilfully take or destroy the young of salmon (b);
- (2.) Buy, sell, or expose for sale, or have in his possession, the young of salmon;
- (3.) Place any device for the purpose of obstructing the passage of the young of salmon;
- (4.) Wilfully injure the young of salmon;
- (5.) Wilfully disturb any spawning-bed, or any bank or shallow on which the spawn of salmon may be:

And any person acting in contravention of this section shall incur the following penalties; that is to say,

- (1.) He shall forfeit all the young of salmon found in his possession;
- (2.) He shall forfeit all rods, lines, nets, devices, and instruments used in committing any of the above offences;
- (3.) He shall for each offence pay a penalty not exceeding 5*l.*

But nothing herein contained shall apply to any person who may have obtained such young of salmon for artificial propagation or other scientific purposes, and nothing herein contained shall prejudice the legal right of any owner to take materials from any stream.

16. *Penalty on disturbing Fish when Spawning.*—If any person wilfully disturbs or attempts to catch salmon when spawning, or when on or near their spawning-beds, he shall for each offence incur a penalty not exceeding 5*l.*; but this section shall not apply to any person who may catch, or attempt to catch, salmon for the purposes of artificial propagation, or other scientific purposes.

Restrictions as to Times of Fishing.

17. *Close Time.*—No person shall fish for, catch, or attempt to catch, or kill salmon between the days hereinafter mentioned

(a) See Notes (b) and (c), p. 15.

(b) See Note, p. 16.

(which interval is herein referred to as the close season); that is to say, between the first day of September and the first day of February following, both inclusive, except only that it shall be lawful to fish with a rod and line between the first day of September and the first day of November following, both inclusive; and any person acting in contravention of this section shall forfeit any salmon caught by him, and shall in addition thereto incur a penalty not exceeding 5*l*., and a further penalty not exceeding 2*l*. in respect of each salmon so caught.

18. *Power of Home Office to extend or vary Close Season.*—The Home Office may, upon the application of the justices in quarter sessions assembled of any county abutting on water containing salmon, extend or vary the time during which it is prohibited to take salmon in such waters; any such application shall be forwarded to the Home Office by the chairman of such justices, but it shall not be entertained by the Home Office until due proof is given that notice of such application has been served on the clerk of the peace of every county abutting on such river other than the county from the justices of which the application proceeds, and that a copy of such notice has been published in every county abutting on such river by advertisement once at least in each of four successive weeks in some local newspaper; the extension of such time as aforesaid by the Home Office shall be made by order under the hand of one of her Majesty's principal Secretaries of State, and a copy of the *London Gazette* containing such order shall be evidence of the same having been made.

For the purposes of this section any riding or other division of a county having a separate court of quarter sessions shall be deemed a separate county, and any penalties imposed by this Act for the purpose of prohibiting the killing of fish during the close time shall apply to such extended close time; and the Home Office may from time to time vary the close time so extended.

19. *Penalty on selling Fish during Close Time.*—No person shall buy, sell, or expose for sale, or have in his possession for sale, any salmon between the third day of September and the second day of February following; and any person acting in contravention of this Act shall forfeit any fish so bought, sold, or exposed for sale, or in his possession for sale, and shall incur a penalty not exceeding 2*l*. for each such fish; but this section shall not apply to any person buying, selling, or exposing for sale, or having in his possession for sale, salmon cured, pickled, or dried, or any fresh salmon caught beyond the limits of this Act, nevertheless the burden of proving any fresh salmon that is sold, or exposed, or in the possession of any person for sale between the said third day of September and the said second day of February to have been caught beyond the limits of this Act shall lie on the person selling or exposing the same for sale, or having the same in his possession for sale.

20. *Removal of Fixed Engines during Close Time.*—The proprietor or occupier of every fishery for salmon shall, within thirty-six hours after the commencement of the close season,

cause to be removed and carried away from the waters within his fishery the inscales, hecks, tops, and rails of all cruives, boxes, or cribs, and all planks and temporary fixtures used for taking or killing salmon, and all other obstructions (a) to the free passage of fish in or through the cruives, cribs, and boxes within his fishery; and if any proprietor or occupier omits to remove and carry away in manner aforesaid any things hereby required to be removed and carried away he shall incur the following penalties; that is to say,

- (1.) He shall forfeit all the engines or other things that are not removed and carried away in compliance with this section:
- (2.) He shall, for every day during which he suffers such things to remain unremoved beyond the period prescribed by this Act, pay a sum not exceeding 10*l*.

21. *Weekly Close Time.*—No person shall fish for, catch, or kill by any means other than a rod and line, any salmon between the hour of twelve of the clock at noon on Saturday and the hour of six of the clock on Monday morning; and any person acting in contravention of this section shall forfeit all fish taken by him, and any net or movable instrument used by him in taking the same, and in addition thereto shall incur a penalty not exceeding 5*l*, and a further penalty not exceeding 1*l* in respect of each fish so taken between twelve of the clock at noon on Saturday and six of the clock on Monday morning; but nothing in this section contained shall compel the owner of any putts or putchers to remove or draw up the same during such time as is mentioned in this section, or subject him to a penalty, so that he lets down a net in such manner or uses such other device as the Home Office approves for the purpose of preventing salmon passing into the putts or putchers during such time as aforesaid.

22. *A Free Passage to be left through Cribs or Traps during Weekly Close Time.*—The proprietor or occupier of every fishery shall, between twelve of the clock at noon on Saturday and six of the clock on the Monday morning following, maintain a clear opening, of not less than four feet in width from the bottom to the top, through all cribs, boxes, or cruives used for taking salmon within his fishery, so that a free space of that width is effectually secured for the passage of fish up and down through each box, crib, or cruiue, whether used for the purpose of fishing or not; and shall, for the purpose of maintaining such opening, remove the inscales and rails of all such boxes, cribs, or cruives; and any person acting in contravention of this section shall incur the following penalties:

- (1.) He shall for each offence pay a sum not exceeding 5*l*, and a further penalty not exceeding 1*l* for each fish so taken:
- (2.) He shall forfeit every fish caught in contravention of this section.

Fish Passes.

23. *Proprietor with Consent of Home Office may attach Fish Passes to existing Dams.*—Any proprietor of a fishery with the written

(a) See Note, p. 11.

consent of the Home Office may attach to every dam existing at the time of the passing of this Act a fish pass, of such form and dimensions as the Home Office may approve, so that no injury be done to the milling power (a) or to the supply of water to or of any navigable river, canal, or other inland navigation by such fish pass; and any person obstructing any person legally authorised in erecting or doing any necessary act to erect or maintain such fish pass shall incur a penalty not exceeding 10*l.* for each act of obstruction; and any person injuring such fish pass (b) shall pay the expense of repairing the injury, such expense to be recovered in a summary manner, and, in addition thereto, if such injury is wilful, shall incur a penalty not exceeding 5*l.*; and any person doing any act for the purpose of preventing salmon from passing through a fish pass, or taking any salmon in its passage through the same, shall incur a penalty not exceeding 5*l.* for a first offence, and not exceeding 10*l.* for each subsequent offence, and shall forfeit any salmon taken by him in contravention of this section, and any instrument used by him in taking the same: Provided, that if any injury is done to any dam by reason of the affixing of a fish pass in pursuance of this section, any person sustaining any loss thereby may recover compensation for such injury in a summary manner from the person or body of persons by whom such fish pass has been affixed.

24. *Notice required before Home Office gives Consent.*—The Home Office shall not give their consent to the attachment by a proprietor of a fish pass to any dam, in pursuance of the last preceding section, unless such proprietor proves, to the satisfaction of the Home Office, that he has served notice on the owner of such dam of his intention to apply for such consent, and at the same time has furnished him with plan and specification of the fish pass which he proposes to erect, a reasonable time before his application; and it shall be lawful for such owner to urge any objections he may think fit to the Home Office against their giving their consent, and the Home Office shall take any objections so made into consideration before they give their consent to the attachment of the fish pass.

25. *Fish Passes to be attached to Future Dams.*—Every person who, after the passing of this Act, in waters where salmon are found, constructs a new dam, or raises or alters, so as to create increased obstruction to fish, a dam already constructed, shall attach and maintain attached thereto in an efficient state a fish pass of such form and dimensions as may be determined by the Home Office, and if he do not, such person shall incur a penalty not exceeding 5*l.*; and it shall be lawful for the Home Office to cause to be done any work by this section required to be done by such person, and to recover the expense of doing the same in a summary manner from the person in default; but this section shall not authorise anything to be done which may injuriously affect any navigable river, canal, or inland navigation, nor shall

(a) See Note, p. 22.

(b) See Note (b), p. 22.

anything in this or the last preceding section prevent any person from removing a fish pass for the purpose of repairing or altering a dam, so that within a reasonable time he restore such fish pass in as an efficient a state as it was before he removed the same.

26. *Supply of Water to Fish Passes.*—Where a fish pass is attached to any dam in pursuance of this Act, the sluices, if any, for drawing off the water which would otherwise flow over the dam shall be kept shut at all times when the water is not required for milling purposes in such manner as to cause such water to flow through the fish pass; and any person making default in complying with the requisitions of this section shall incur a penalty not exceeding 5s. per hour for every hour during which such default continues; but this section shall not preclude any person from opening a sluice for the purpose of letting off water in cases of flood, or for milling purposes, or when necessary for the purposes of navigation, or for cleaning or repairing any dam or mill or the appurtenances thereof.

Restrictions as to Fishing Weirs.

27. *Construction of Free Gaps.*—Where any fishing weir extends more than half-way across any stream at its lowest state of water, it shall have a free gap or opening in accordance with the regulations following, unless otherwise authorised by the Home Office, under the powers of this Act; that is to say,

- (1.) The free gap shall be situate in the deepest part of the stream between the points where it is intercepted by the weir;
- (2.) The sides of the gap shall be in a line with and parallel to the direction of the stream at the weir;
- (3.) The bottom of the gap shall be level with the natural bed of the stream above and below the gap;
- (4.) The width of the gap in its narrowest part shall be not less than one-tenth part of the width of the stream; provided always, that such gap shall not be required to be wider than forty feet, and shall not in any case be narrower than three feet.

28. *Enforcing Free Gaps in Fishing Weirs.*—The following rules shall be observed for the purpose of enforcing efficient free gaps in fishing weirs; that is to say,

- (1.) Where a weir is without a legal free gap at the time of the commencement of this Act, the owner of such weir shall within twelve months after the commencement of this Act make such a gap, and if he does not he shall incur a penalty not exceeding 5l. for every day after the expiration of such period of twelve months during which he does not make such gap;
- (2.) Where a free gap has been made in a weir, but the same is not maintained in accordance with this Act, the owner of such weir shall incur a penalty not exceeding 1l. a day for each day he is in default;

- (3.) No alteration shall be made in the bed of any river in such manner as to reduce the flow of water through a free gap; if it is, the person making the same shall incur a penalty not exceeding 5*l.*, and a further penalty of 1*l.* a day until he restores the bed of the river to its original state;
- (4.) No person shall place any obstruction, use any contrivance, or do any act whereby fish may be scared, deterred, or in any way prevented from freely entering and passing up and down a free gap at all periods of the year; and any person placing any obstruction, using any contrivance, or doing any act in contravention of the regulation lastly hereinbefore contained, shall incur a penalty not exceeding 5*l.* for the first offence, and not exceeding 10*l.* for each subsequent offence; but this last regulation shall not apply to a temporary bridge or board used for crossing the free gap, and taken away immediately when a person has crossed the same.

29. *Construction of Boxes and Cribs in Fishing Weirs and Fishing Milldams.*—The following rules shall be observed in relation to the construction of boxes and cribs in fishing weirs and fishing milldams; that is to say,

- (1.) The upper surface of the sill shall be level with the bed of the river;
- (2.) The bars or inscales of the heck or upstream side of the box or crib shall not be nearer each other than two inches, and shall be capable of being removed, and shall be placed perpendicularly:

And the owner of any fishing weir or fishing milldam that has attached thereto any box or crib in contravention of this Act shall bring the same into conformity with this Act within six months after the commencement of this Act; and he shall incur a penalty not exceeding 5*l.* for every day after the expiration of such period of six months during which he fails to comply with the provisions of this section; and any owner failing so to maintain the same shall incur a penalty not exceeding 1*l.* for every day during which such failure continues.

30. *Construction of Spur Walls in Fishing Weirs or Fishing Mill Dams.*—There shall not be attached to any box or crib in any fishing weir or fishing milldam any spur or tail wall, leader, or outrigger of a greater length than twenty feet from the upper or lower side of such box or crib; and if any box or crib in any fishing weir or fishing milldam has any walls, leaders, or outriggers in contravention of this section, the owner of the weir or fishing milldam shall incur a penalty not exceeding 1*l.* for every day during the continuance thereof.

Central Authority.

31. *General Superintendence of Fisheries by Home Office.*—The general superintendence of the salmon fisheries throughout England shall be vested in the Home Office, and it shall be lawful

for the Home Office to appoint two inspectors of fisheries for three years (a), to assign to them their duties, and to pay to them such salaries as may from time to time be determined by the commissioners of Her Majesty's Treasury.

The Home Office may from time to time remove the said inspectors, and appoint other persons in their stead.

32. *Annual Reports of Inspectors to be laid before Parliament.*—The Home Office shall annually lay before Parliament reports from the inspectors, which reports shall contain as far as may be practicable a statistical account of the fisheries, with such other information as may be collected, and suggestions offered for their regulation and improvement.

33. *Justices at Sessions to appoint Conservators of Rivers.*—It shall be lawful for the justices of the peace assembled at any general or quarter sessions of the peace from time to time to appoint conservators or overseers for the preservation of salmon, and enforcing for that purpose the provisions of this Act within the limits of the jurisdiction of such justices.

34. *Justice may grant a Warrant to enter Suspected Places.*—It shall be lawful for any justice of the peace upon an information on oath that there is probable cause to suspect any breach of the provisions of this Act to have been committed on any premises, or any salmon illegally taken or any illegal nets or other engines to be concealed on any premises, by warrant under his hand and seal, to authorise and empower any inspector, water-bailiff, conservator, constable, or police officer to enter such premises for the purposes of detecting such offence, or such concealed fish, at such time or times, in the day or night, as in such warrant may be mentioned, and to seize all illegal engines, or any salmon illegally taken, that may be found on such premises; Provided, that no such warrant shall continue in force for more than one week from the date thereof.

Legal Proceedings.

35. *Recovery of Penalties.*—All penalties imposed by this Act, and all costs or expenses by this Act directed to be recovered in a summary manner, may be recovered, within six months after the commission of the offence, before two justices, in manner directed by an Act passed in the eleventh and twelfth years of the reign of Her present Majesty Queen Victoria, chapter forty-three (b), intituled "An Act to facilitate the Performance of the Duties of the Justices of the Peace out of Sessions within England and Wales with respect to Summary Convictions and Orders," or of any Act amending the same; and all moneys received in respect of penalties recovered under the Act shall be paid as follows; that is to say,

Such portion not exceeding one-half, as the court may think fit, to the person on whose complaint the penalty is recovered, and the remainder in manner directed by the said Act of eleventh and twelfth years of the reign of Her

(a) This power is extended by 28 & 29 Vict. c. 119. (b) See Note, p. 50.

present Majesty Victoria, chapter forty-three; and all forfeitures shall be disposed of as the court may direct, and the proceeds, if any, shall be applied in manner in which the moneys received in respect of penalties are hereby directed to be applied.

36. *Offences on Rivers may be Tried in County on Either Side.*—Where any offence under this Act is committed in or upon any waters forming the boundary between any two counties, districts of quarter sessions or petty sessions, such offence may be prosecuted before any justice or justices of the peace in either of such counties or districts.

37. *Offences committed on Sea Coasts, where to be Tried.*—Any offence committed under this Act, on the sea coast or at sea, beyond the ordinary jurisdiction of any justice of the peace, shall be deemed to have been committed within the body of any county abutting on such sea coast or adjoining such sea, and may be tried and punished accordingly.

38. *Saving Clause for Dredging.*—Nothing in this Act contained shall prejudice the legal right of any conservators, directors, commissioners, undertakers, persons, or body of persons corporate or unincorporate, to dredge, scour, cleanse, or improve any navigable river, canal, or other inland navigation.

Repeal of Acts.

39. From and after the commencement of this Act there shall be hereby repealed the several Acts and parts of Acts set forth in the schedule hereto, to the extent to which such Acts or parts of Acts are therein expressed to be repealed: Provided, that such repeal shall not affect—

- (1.) Any security duly given before this Act comes into operation:
- (2.) Anything duly done before this Act comes into operation:
- (3.) Any liability accruing before this Act comes into operation:
- (4.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act comes into operation:
- (5.) The institution of any legal proceeding or any other remedy for ascertaining, enforcing, or recovering any such liability, penalty, forfeiture, or punishment, as aforesaid.

SCHEDULE.

| Reference to Act. | Title of Act. | Extent of Repeal. |
|---------------------------|---|-------------------|
| 13 Edw. 1, stat. 1, c. 47 | A penalty for taking of salmon at certain times of the year | The whole Act. |
| 25 Edw. 3, stat. 4, c. 4 | "New weirs shall be pulled down and not repaired" | The whole Act. |
| 45 Edw. 3, c. 2 | The penalty of him that setteth up or enhanceth wares | The whole Act. |

| Reference to Act. | Title of Act. | Extent of Repeal. |
|----------------------------|---|------------------------------------|
| 31 Rich. 2, stat. 1, c. 19 | A confirmation of stat. 13 Edw. 1, stat. 1, c. 47 | The whole Act. |
| 17 Rich. 2, c. 9 | Justices of peace shall be conservators of the statutes made touching salmon | The whole Act. |
| 1 Hen. 4, c. 12 | A confirmation of former statutes touching pulling down of wears | The whole Act. |
| 4 Hen. 4, c. 11 | Commissions shall be awarded to justices, &c., to inquire of wears and kidels, &c. | The whole Act. |
| 2 Hen. 6, c. 15 | No man shall fasten nets to anything over rivers | The whole Act. |
| 12 Edw. 4, c. 7 | An act for the taking away wears and fishgarthes | The whole Act. |
| 11 Hen. 7, c. 5 | Every man may pull down the wears and engines in the haven of Southampton, &c. | The whole Act. |
| 14 & 15 Hen. 8, c. 13 | A confirmation of the statute 11 Hen. 7, c. 5, and the same made perpetual | The whole Act. |
| 23 Hen. 8, c. 18 | For pulling down piles and fishgarths in the rivers Ouse and Humber | The whole Act. |
| 1 Eliz. c. 17 | An Act for the preservation of spawn and fry of fish | In so far as it relates to salmon. |
| 3 Car. 1, c. 4 | An Act for continuance and repeal of divers statutes | The first section of the Act. |
| 3 Jas. 1, c. 12 | An Act for the better preservation of sea fish | The whole Act. |
| 30 Car. 2, c. 9 | An Act for the better preservation of fishing in the river of Severn | The whole Act. |
| 4 Anne, c. 21 | An Act for the increase and better preservation of salmon and other fish in the rivers within the counties of Southampton and Wiltshire | The whole Act. |
| 9 Anne, c. 26 | An Act for the better preservation and improvement of fishery within the river of Thames, and for regulating and governing the company of fishermen of the said river | The second section of the Act. |
| 1 Geo. 1, stat. 2, c. 18 | An Act for the better preventing fresh fish taken by foreigners being imported into this kingdom, and for the preservation of the fry of fish, and for the | Sects. 11 to 16 inclusive. |

| Reference to Act. | Title of Act. | Extent of Repeal. |
|-------------------|---|-------------------|
| 23 Geo. 2, c. 26 | <p>giving leave to import lobsters and turbets in foreign bottoms, and for the better preservation of salmon within several rivers in that part of this kingdom called England</p> <p>An Act to continue several laws for the better regulation of pilots for the conducting of ships and vessels from Dover, Deal, and Isle of Thanet up the river of Thames and Medway, and for permitting rum or spirits of the British sugar plantations to be landed before the duties of excise are paid thereon, and to continue and amend an Act for preventing frauds on the admeasurement of coals within the city and liberty of Westminster and several parishes near thereunto, and to continue several laws for preventing exactions of occupiers of locks and wears upon the river Thames westward, and for ascertaining the rates of water carriage upon the said river, and for the better regulation and government of seamen in the merchant service; and also to amend so much of an Act made in the first year of the reign of King George the First as relates to the better preservation of salmon in the river Ribble, and to regulate fees in trials at assizes and Nisi Prius upon records issuing out of the Office of Pleas of the Court of Exchequer, and for the apprehending of persons in any county or place upon warrant granted by justices of the peace in any other county or place, and to repeal so much of an Act made in the 12th year of the reign of</p> | Sects. 7, 8, & 9. |

| Reference to Act. | Title of Act. | Extent of Repeal. |
|-------------------|---|------------------------------------|
| 33 Geo. 2, c. 27 | <p>King Charles the Second as relates to the time during which the office of excise is to be kept open each day, and to appoint for how long time the same shall be kept open upon each day for the future, and to prevent the dealing or destroying of turnips, and to amend an act made in the second year of His present Majesty for better regulation of attorneys and solicitors</p> <p>An Act to repeal so much of an Act passed in the twenty-ninth year of His present Majesty's reign concerning a free market for fish at Westminster as requires fishermen to enter their fishing-vessels at the office of the searcher of the Customs at Gravesend, and to regulate the sale of fish at the first hand in the fish markets in London and Westminster, and to prevent salesmen of fish buying fish to sell again on their own account, and to allow biet and turbot, brill and pear, although under the respective dimensions mentioned in a former Act, to be imported and sold, and to punish any persons who shall take or sell any spawn, brood, or fry of fish, unsizeable fish, or fish out of season, or smelts under the size of five inches, and for other purposes</p> | Sect. 13. |
| 18 Geo. 3, c. 33 | An Act for the better preservation of fish, and regulating the fisheries in the rivers Severn and Verniew | In so far as it relates to salmon. |
| 37 Geo. 3, c. 95 | An Act to amend two Acts made in the fourth year of the reign of Queen Anne and the first year of the reign of King George the First, for the preservation of salmon and other fish in the | In so far as it relates to salmon. |

| Reference to Act. | Title of Act. | Extent of Repeal. |
|---------------------|---|-------------------|
| 58 Geo. 3, c. 43 | rivers within the counties of Southampton and Wilts An Act for preventing the destruction of the breed of salmon and fish of salmon kind in the rivers of England | The whole Act. |
| 6 & 7 Vict. c. 33 | An Act to repeal so much of an Act of the first year of King George the First as limits the time for taking and being restrained from taking salmon in certain rivers, and to amend and extend the provisions of an Act of the fifty-eighth year of King George the Third to the rivers therein mentioned | The whole Act. |
| 11 & 12 Vict. c. 52 | An Act to explain the Acts for preventing the destruction of the breed of salmon and fish of the salmon kind | The whole Act. |

PRIVATE ACTS RELATING TO SALMON FISHERIES.

| — | Rivers affected. | Extent of Repeal. |
|----------------------|--------------------------------------|--|
| 43 Geo. 3, c. 61 | Teign, Dart, and Plym, Devon | The whole Act. |
| 44 Geo. 3, c. 45 | Rivers flowing into the Solway Firth | The whole Act, except in so far as it relates to Scotland, and to fish other than salmon in England. |
| 45 Geo. 3, c. 33 | Carmarthenshire rivers | The whole Act. |
| 46 Geo. 3, c. 19 | Rivers running into Milford Harbour | In so far as it relates to salmon. |
| 49 Geo. 3. c. 2 | Lord Lonsdale's fisheries in Derwent | The whole Act. |
| 5 & 6 Vict. c. 63 | Tyne | The whole Act. |
| 21 & 22 Vict. c. 141 | Tees | So much of sects. 63 and 64 as relates to the making of bye-laws for the regulation of salmon fisheries. |

SALMON EXPORTATION 1863.

26 VICT. c. 10.

An Act for prohibiting the Exportation of Salmon at certain Times.—[20th April 1863.]

24 & 25 Vict. c. 109—25 & 26 Vict. c. 97—22 & 23 Vict. c. lxx.—Whereas the sale of salmon within the United Kingdom is prohibited at various times; that is say, if caught in England within the limits of the Salmon Fishery Act 1861, is prohibited between the third day of September and the second day of February; if caught in any fishery district in Ireland is prohibited during such time as the capture of salmon is prohibited in that district; if caught in Scotland within the limits of "The Salmon Fisheries (Scotland) Act 1862," is prohibited between the commencement of the latest and the termination of the earliest annual close time fixed for any district; if caught in the river Tweed, as defined by "The Tweed Fisheries Amendment Act, 1859," is prohibited between the fourteenth day of September and the fifteenth day of February: and whereas the capture or possession of foul or unseasonable salmon within the limits of the United Kingdom is prohibited at all times: and whereas the provisions of the said Acts are evaded by the exportation for sale in France and other foreign countries of salmon that cannot legally be sold within the limits of the United Kingdom: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Short Title.*—This Act may be cited for all purposes as "The Salmon Acts Amendment Act 1863."

2. *"Parts beyond Seas" defined.*—No part of the United Kingdom, however situated with regard to any other part, shall be deemed for the purposes of this Act to be parts beyond seas.

3. *Export of unclean or unseasonable Salmon, or Salmon caught at certain times, prohibited.*—No unclean or unseasonable salmon, and no salmon caught during the time at which the sale of salmon is prohibited in the district where it is caught, shall be exported or entered for exportation from any part of the United Kingdom to parts beyond seas.

All salmon exported or entered for exportation in contravention of this section shall be forfeited, and the person exporting or entering the same for exportation shall be subject to a penalty not exceeding five pounds in respect of each salmon so exported or entered for exportation.

The burden of proving that any salmon entered for exportation from any part of the United Kingdom to parts beyond seas between the third day of September and the second day of February following is not so entered in contravention of this

Act shall lie on the person entering the same for exportation (a).

4. *Recovery of Penalties.*—All penalties under this Act may be recovered in England, except within the limits of the said Tweed Fisheries Act, as penalties under the Salmon Fishery Act 1861; in Ireland as penalties under the Act passed in the session of the fifth and sixth years of the reign of Her present Majesty, chapter one hundred and six, intituled an Act to regulate the Irish fisheries; in Scotland, except within the limits of the said Tweed Fisheries Act, as penalties under the Salmon Fisheries (Scotland) Act 1862; and within the limits of the said Tweed Fisheries Act, in manner prescribed by "The Tweed Fisheries Act 1857."

SALMON FISHERIES AMENDMENT 1865.

28 & 29 VICT. c. 121.

An Act to amend "The Salmon Fishery Act 1861."—
[5th July, 1865.]

24 & 25 Vict. c. 109.—Whereas by the thirty-third section of "The Salmon Fishery Act 1861" (b), it is provided that it shall be lawful for the justices of the peace assembled at any general or quarter sessions of the peace from time to time to appoint conservators or overseers for the preservation of salmon, and enforcing for that purpose the provisions of the said Act within the limits of the jurisdiction of such justices: and whereas no funds are provided by the said Act for carrying into effect the purposes thereof, and no provisions are made for securing the co-operation of the conservators of different counties where a river frequented by salmon borders on or passes through several counties: and whereas it is expedient to amend the said Act in respect of the foregoing particulars, and it is also expedient to make further provisions for the removal of illegal fixed engines, and otherwise to amend the said Act: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. *Short Title.*—This Act may be cited for all purposes as "The Salmon Fishery Act 1865," and this Act and the Salmon Fishery Act 1861, may be cited together as "The Salmon Fishery Acts 1861 and 1865."

2. *Construction of Act.*—This Act, so far as is consistent with

(a) See also, 28 & 29 Vict. c. 121, s. 65, p. 98.

(b) See p. 72.

the tenor thereof, shall be read as one with "The Salmon Fishery Act 1861" (a).

3. *Definition of Terms.*—In this Act and "The Salmon Fishery Act 1861," the following words shall have the meanings herein-after assigned to them, unless there be something in the subject or the context repugnant to such construction; that is to say,

"River" shall include such portion of any stream or lake, with its tributaries, and such portion of any estuary, sea, or sea-coast, as may from time to time be declared, in manner hereinafter provided, to belong to such river:

"Salmon river" shall mean any river as above defined frequented by salmon or young of salmon:

"Quarter sessions" shall include "general sessions:"

Any riding, division, or liberty of a county having a separate court of quarter sessions shall, for the purposes of this Act, be deemed to be a county.

Appointment of Conservators.

4. *Power to Justices of County to apply for formation of Fishery Districts.*—The justices of a county at any court of quarter sessions held after the passing of this Act (due notice having been previously given according to the practice of the said sessions) may, by writing under the hand of their chairman, apply to one of Her Majesty's principal Secretaries of State (b) to form into a fishery district or districts all or any of the salmon rivers lying wholly or partly within their county, and the said Secretary of State may form such district or districts accordingly, and may include in any district so formed any river or rivers, or parts thereof, although not situated in the county on behalf of which the application is made.

5. *Limits of River and of Fishery District how settled.*—The limits of a river shall be defined for the purposes of this Act, and a fishery district shall be formed, by a certificate under the hand of one of Her Majesty's principal Secretaries of State, describing the limits of the river or district by a reference to a map or otherwise, as to the said secretary may appear expedient, but no such certificate shall be granted unless one month's previous notice of the intention of the said secretary to grant the same, and of the intended limits of the river or district, has been given by advertisement in such newspaper or newspapers published or circulating within the intended limits, and in such daily morning newspaper or newspapers published in London, as may be directed by the said Secretary of State, and when a certificate has been granted a copy shall be advertised in such newspaper or newspapers.

6. *Appointment of Conservators to district within limits of one county.*—Where any fishery district lies wholly within any one county, the justices of that county in quarter sessions assembled shall appoint a board of conservators for that district, and shall

(a) See this Act, p. 61.

(b) See Note, p. 37.

name the time and place at which the first meeting of any board so appointed is to be held.

7. *Committee for Fishery District in different Counties.*—Where a fishery district does not lie wholly within the limits of one county, the justices of any county within which any part of such district lies, assembled at any court of quarter sessions, may apply to the justices of every other county in that district to appoint at their next court of quarter sessions a fishery committee of three of their number, to form, with the fishery committee of the like number to be appointed at that sessions by the county making the application, a joint fishery committee for the district.

8. *Application for appointment of Joint Committee.*—An application under this Act by the justices of one county to the justices of another, in respect of the appointment of a joint fishery committee, shall be made by the clerk of the peace of the one county sending, within fourteen days after the holding of the sessions at which the application is resolved on, to the clerk of the peace of the other county, by post, a letter requiring the justices of the other county to appoint a fishery committee at their then next ensuing quarter sessions, and it shall be the duty of the clerk of the peace making the application, and of the clerk of the peace of every county to whom such application is sent, to add to the notice required by law to be given of the holding of such last-mentioned sessions a notice of the appointment proposed to be made of a fishery committee.

9. *Appointment of Fishery Committee.*—At the quarter sessions mentioned in the application the justices of each county shall appoint a fishery committee of three of their members; and any county neglecting to make such appointment shall be deemed to have concurred in any decision that may be arrived at by the fishery committees of the other counties, or of such of them as may appoint a fishery committee.

10. *Notice of appointment of Fishery Committee.*—The clerk of the peace of every county shall, as soon as possible after the appointment of a fishery committee by his county, give notice by post to the clerk of the peace of every other county in the district, stating in such notice the names and addresses of the members composing the fishery committee of his county, and the clerk of the peace of the county that made the application for such appointment shall, in the notice sent by him, name a time and place at which the joint fishery committee for such district is to meet.

11. *Proceedings of Joint Fishery Committee.*—The said joint fishery committee, on meeting at the time and place aforesaid, shall elect a chairman, and the chairman elected at the first meeting shall, if he is present at the time appointed for holding any other meeting, be chairman of that meeting; if he is not so present the members present may choose any one of their number present to be chairman of such last-mentioned meeting.

A joint fishery committee may adjourn from time to time and

from place to place, and one third of the whole number of members appointed shall be a quorum.

Every question shall be decided by a majority of votes of the members voting on that question, and in the event of an equality of votes at any meeting the chairman shall have a second or casting vote.

The proceedings of a joint committee shall not be invalidated by reason of there being any vacancy or vacancies in their body.

12. *Meeting of Joint Fishery Committee.*—The said joint fishery committee shall proceed to appoint a board of conservators for such district, and shall determine the following matters:

1. The number of conservators to be appointed as a board:
2. The number of members of the board to be appointed by each county in the district:
3. The names of the first members of the board, distinguishing those who are to be considered as appointed by each county:
4. The time and place at which the first meeting of the said board is to be held:
5. The county by the quarter sessions of which the accounts of the board are to be audited, hereinafter referred to as the audit county.

Any member of a joint committee may be appointed member of the board.

13. *Dissolution of a Joint Fishery Committee.*—When a joint committee have completed their dispositions for the formation of a board of conservators for a district, they shall give notice by post of such dispositions to the clerks of the peace of all the counties in such district, and when such notice has been given the joint committee shall be dissolved.

14. *Ex-officio Members of Board.*—All justices of the peace for any county any part whereof is within the limits of any fishery district, being either owners or occupiers of any lands of the value of not less than one hundred pounds *per annum* abutting upon any salmon river within the same, and having a right of fishing in such river, and all persons paying under this Act licence duty within that district to an amount of not less than fifty pounds *per annum* each, shall be *ex-officio* members of the board of conservators for such district in addition to the appointed members of the said board.

15. *Tenure of Office by Conservators.*—The members of a board of conservators shall hold office for one year, and be appointed annually at quarter sessions, and in the case of a board formed by a joint committee in the proportions fixed by that committee. Retiring members shall be eligible for re-appointment; and if at the time when any annual appointment ought to take place no such appointment is made the existing conservators shall remain in office until their successors are appointed.

Any casual vacancy occurring by death, resignation, or otherwise in the office of conservator may be filled up by the board, and the member chosen to fill such vacancy shall hold his office

for such time only as the member vacating would have held the same if no vacancy had occurred.

16. *Notice of Appointment of Conservators.*—Notice of the first and of every subsequent appointment of a board of conservators, specifying the names and addresses of the persons appointed, shall, in the case of a board appointed by the justices of a single county, be advertised by the clerk of the peace of that county in some newspaper published or circulated in such county, and in the case of a board appointed by a joint committee be advertised by the clerk of the peace of every county in the district in some newspaper published or circulated in that county.

17. *Cesser of Powers of existing Conservators.*—After the appointment of a board of conservators in pursuance of this Act in any district the powers of all conservators or overseers for the preservation of salmon, appointed in pursuance of any other Act of Parliament, of charter or custom, and all powers of appointing the same, shall absolutely determine within the limits of the said district.

18. *Rules as to Objections and Evidence.*—No objection shall be made at any trial or in any legal proceeding to the validity of any orders or proceedings relating to the appointment of a board of conservators in any district after the expiration of three calendar months from the date of the advertisement of such appointment in the newspaper, and a copy of the newspaper containing the advertisement of the appointment of a board of conservators shall be receivable in all courts of justice and in all legal proceedings as evidence of such appointment having been made.

19. *Provision as to Common Estuary.*—Where more than one salmon river not included in the same fishery district flows into a common estuary the said Secretary of State may define the limits of such estuary, including therein any portion of the adjoining sea or seacoast, and form it into a separate district, and place the whole of such district, either temporarily or permanently, within the jurisdiction of any one or more of the boards having jurisdiction over the salmon rivers flowing into the estuary, or place such district under the jurisdiction of a board composed of representatives from the other boards, and may require such board or boards to pay a certain proportion of the licence duties received by them to any other board or boards.

20. *Alterations of Fishery District.*—A fishery district may from time to time be altered by including therein or excluding therefrom any salmon river or part of a salmon river. Any such alteration shall be made by a certificate of the said Secretary of State, upon the application of the board of conservators of the district, and after not less than six months previous notice in writing has been given to any other board whose district is affected by such alteration. Where the effect of such alteration is to include in a district a portion of a county not hitherto included, the justices of that county in quarter sessions assembled

shall add such number of members to the existing board of the district as the said Secretary of State may determine, and where the effect of the alteration is to exclude altogether from the district any county, the members of the board appointed by such county shall cease to hold their offices at the board, and the members of the board appointed by the other counties in the district may respectively be increased in such manner as the said secretary thinks fit: Provided, firstly, that no alteration of any district shall affect the powers of any existing board or boards until the new districts are fully constituted, and any change occasioned by such alteration in the constitution of any existing board or boards completely carried into effect; secondly, that notices of any alteration made in a district or in the constitution of a board of conservators in pursuance of this section shall be advertised in some newspaper or newspapers published or circulated in the district or districts affected by such alteration.

Board of Conservators, and their Officers.

21. *Constitution of Board of Conservators.*—A board of conservators shall be a body corporate, having perpetual succession and a common seal, with power to make contracts, and to sue and be sued in a common name.

22. *Proceedings of Board.*—A board of conservators shall meet for the despatch of business, and shall from time to time make such regulations with respect to the election of a chairman of their meetings, the summoning, notice, place, management, and adjournment of their meetings, and generally with respect to the transaction and management of business, including the quorum at meetings, as they think fit, subject to the following conditions:

- (a.) The first meeting after the formation of the district shall be held at the time and place fixed in manner provided by this Act:
- (b.) An extraordinary meeting may be summoned at any time, on the requisition of three members of the board:
- (c.) The quorum to be fixed by the board shall consist of not less than three members:
- (d.) Every question shall be decided by a majority of votes of the members voting on that question; and in the event of an equality of votes the chairman for the time being shall have a second or casting vote.

23. *Appointment of Committees.*—A board of conservators may appoint committees of their members, may fix a quorum for each committee, and may lay down rules for its guidance. Every question before a committee shall be decided by a majority of votes of the members voting on that question, and in the event of an equality of votes the chairman for the time being shall have a second or casting vote.

24. *Amendment of section 18 of "Salmon Fishery Act 1861."*—Where any salmon river is within the jurisdiction of a board of conservators appointed under this Act, any application to the

Home Office in respect of the close time on such river, in pursuance of section eighteen (a) of "The Salmon Fishery Act 1861," shall be made by the board of conservators, instead of by the justices in quarter sessions assembled.

25. *Vacancies in Board and Defect in Qualification of Members.*—No act or proceeding of a board of conservators shall be questioned on account of any vacancy or vacancies in their body; and no defect in the qualification or appointment of any person or persons acting as member or members of such board shall be deemed to vitiate any proceedings of such board in which he or they have taken part.

26. *Evidence of Proceedings at Meeting.*—Any minute made of proceedings at a meeting of a board of conservators, if signed by the chairman of that meeting, either at the meeting of the board at which such proceedings took place, or at the next ensuing meeting of the board at which such person may be present, shall be receivable in evidence in all legal proceedings without further proof; and until the contrary is proved every meeting of the board in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified.

27. *Enumeration of Powers of Board of Conservators.*—A board of conservators shall have power within their district to do the following things, or such of them as they may in their discretion think expedient; that is to say,

- (1.) From time to time, by writing under the hand of the acting chairman for the time being of the board, to appoint a sufficient number of water bailiffs and other officers, to assign to them their salaries and duties, and to remove any water bailiff or officer so appointed: provided always, that nothing herein contained shall prevent the said board of conservators from obtaining the services of additional constables under the act third and fourth Victoria, chapter eighty-eight, section nineteen (b), for the purpose of carrying out the provisions of this Act; such constables, when appointed, to have all the powers and privileges of water bailiffs, and to be paid for their services by the said board:
- (2.) To issue such licences for fishing as are provided by this Act:
- (3.) To purchase by agreement, for the purpose only of removal, dams, fishing weirs, fishing milldams, or fixed engines they may deem it expedient to remove for the benefit of the fisheries in their district:
- (4.) To take legal proceedings against persons violating the provisions of the Salmon Fishery Acts 1861, 1865, or either of them, or for removing such weirs or other fixed engines as they may be advised are illegal:
- (5.) Generally to execute such works, do such acts, and incur such expenses as they may deem expedient to be executed,

(a) See p. 67.

(b) See Note, p. 43.

done, or incurred for the protection and improvement of the salmon fisheries within their district, the increase of salmon, and the stocking of the waters in their district therewith, but so that it shall not be lawful for a board of conservators to pay to any member of the board any salary, fees, or other remuneration for his acting in any way as a member of or under the board :

Provided that this section shall not authorise anything to be done which may injuriously affect any navigable river, canal, or inland navigation.

28. *Mortgage of Licence Duties.*—A board of conservators may, for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by them under the Salmon Fishery Acts 1861, 1865, with the consent of one of Her Majesty's principal Secretaries of State, borrow and take up, at interest on the credit of the licence duties authorised to be imposed by them, or of any other property belonging to them, any sums of money necessary for defraying such costs, charges, and expenses; and for the purpose of securing the repayment of any sums of money so borrowed together with such interest as aforesaid, the board of conservators may mortgage and assign over to the persons by or on behalf of whom such sums are advanced the said duties and property, or any part thereof; and the clauses of "The Commissioners Clauses Act 1847" (a), with respect to mortgages to be created by the commissioners, shall form part of and be incorporated with this Act, and any mortgagee or assignee may enforce payment of his principal and interest by appointment of a receiver.

29. *Audit of Accounts of Board.*—An account of the receipts and disbursements of every board of conservators, in such form and with such particulars as may be required by the court of quarter sessions that appoints the board, or in the case of a joint board by the court of quarter sessions of the audit county, shall be laid annually before such courts of quarter sessions as aforesaid, and the justices assembled at such courts may disallow any item that they consider to be illegal.

30. *Power of Water Bailiff for Protection of Fisheries.*—Any conservator or water bailiff appointed under this act may examine any dam, fishing weir, fishing milldam, or fixed engine within the limits of his district, or any artificial watercourse connected with a salmon river in that district, and any owner or occupier of any such dam, weir, engine, or artificial watercourse refusing to any conservator or water bailiff access to such dam, weir, engine, or watercourse shall be liable to a penalty not exceeding five pounds for each offence.

A conservator or water bailiff may search all boats, nets, baskets, and other instruments used in fishing in salmon rivers, he may seize all illegal nets and other instruments of fishing, and all fish and other articles forfeited in pursuance of the Salmon Fishery Acts, 1861, 1865, and generally may act as a constable

(a) See Note, p. 44.

for the enforcement of the provisions of the said Salmon Fishery Acts, and when so acting shall be deemed to be a constable, and have all the same powers and privileges, and be subject to the same liabilities, as a constable duly appointed now has or is subject to within his constabewick by virtue of the common law of this realm, or of any statute (a).

The production, with respect to a conservator, of a certificate of his being a conservator under the common seal of the board of which he is a member, and with respect to a water bailiff the production of the instrument of his appointment, executed in the manner directed by this Act, shall be sufficient warrant for any conservator or water bailiff exercising the authorities given by this Act.

31. *Order for Entry of Water Bailiff on Land.*—Where it appears to any justice of the peace, on the application of any conservator or water bailiff made on oath, that such conservator or bailiff has good reason to suspect that acts in contravention of the Salmon Fishery Acts 1861 and 1865 are being or are likely to be done on any land situate on or near to a salmon river, the justice may, by order under his hand, authorise such conservator or bailiff, during a limited period, to be specified in such order, not exceeding twenty-four hours, to enter upon and remain on such land during any hours of the day or night for the purpose of detecting the persons guilty of the aforesaid acts; and no conservator or water bailiff entering or remaining on any land in pursuance of such order shall be deemed to be a trespasser; but this section shall not affect any other powers of search conferred by the Salmon Fishery Acts 1861 and 1865.

32. *Alteration of Fish Pass or Free Gap.*—On application to the Secretary of State by any board of conservators, setting forth that any fish pass or free gap within their district, under the provisions of "The Salmon Fishery Act 1861," is in their opinion capable of improvement, the said Secretary of State may direct any alteration in the said fish pass or free gap, or may direct a new fish pass or free gap to be made in another site, and the board of conservators shall defray all costs, charges, and expenses attending the alteration or erection of any such fish pass or free gap, and for the purposes of this section, where a river is divided into separate branches, each branch shall be considered as a separate river: provided, that no injury shall be done under the exercise of the powers given by this section to the supply of water to or of any navigable river, canal, or other inland navigation.

Licences.

33. *Issue of Licences.*—In any fishery district subject to the control of a board of conservators licences shall be granted at fixed prices to all persons using any rod and line for fishing for salmon, and in respect of all fishing weirs, fishing milldams, putts, putchers, nets, or other instruments or devices, except rods

(a) See Note, p. 27.

and lines, whereby salmon are caught; and the produce of such licences shall be applied in defraying the expenses of carrying into effect in such district the Salmon Fishery Acts 1861 and 1865.

34. *Rules as to Licences.*—The following rules shall be observed with respect to the licences granted in pursuance of this Act; that is to say,

- (1.) A licence for the use of a rod and line within a fishery district shall be granted to the person named therein on payment of the sum of one pound, or such less sum as may be determined by the board of conservators of the district. A licence for the use of a rod and line shall not in any case be transferable:
- (2.) Licences for fishing weirs, fishing milldams, putts, putchers, nets, and other instruments or devices, except rods and lines, for catching salmon, shall be granted on payment of such sums, not exceeding the sums specified in the first schedule hereto, as may from time to time be determined by the board of conservators of the district, with the approval of one of Her Majesty's principal Secretaries of State; licences for fishing weirs, fishing milldams, putts, putchers, nets, or other such instruments or devices as aforesaid shall be available only for the use of the persons within the districts, and in respect of the instruments or devices to whom or for whose use within and in respect of which the same are respectively granted:
- (3.) The approval of the said Secretary of State to a scale of licences for fishing weirs, fishing milldams, putts, putchers, nets, and other instruments or devices as aforesaid shall not be given for any district unless one month's previous notice of the intention of the board to apply for such approval has been given by advertisement, stating the scale of licence duties proposed by the conservators, in some one or more public newspaper or newspapers circulating in the district:
- (4.) Any person for the time being entitled to an exclusive right of fishing for salmon in any river or part of a river may, upon application to the conservators of the district, obtain a general licence; and such general licence shall enable the licensee or any person authorised by him in writing under his hand, without any other licence, to fish for salmon in any legal manner in such river or part of a river, but it shall not be of any validity beyond the limits to which it refers: there shall be paid for such general licence such sum as the conservators may from time to time determine, with the sanction of the said Secretary of State, having regard to the extent and productiveness of the fishery, and to the nature of the instruments or devices used for catching the fish:
- (5.) All persons demanding to purchase licences, and tendering to any person appointed by the board to distribute the same the amount of licence duty to be paid under the

provisions of this Act, shall be entitled to receive the same without any question or objection whatsoever. But no licence shall confer any right to fish in any place or at any time in or at which the licensee is not otherwise entitled to fish; nor shall the grant of a licence be held to make any fishing weir, fishing milldam, putts, putchers, net, or other instrument or device legal that would otherwise be illegal, or to imply any recognition of the legality of any such instrument:

- (6.) All licences granted in pursuance of this Act shall be available only during the fishing season of the year for which they are granted:
- (7.) Licences granted in pursuance of this Act shall be issued by the conservators of each district in such form as may be approved by the Secretary of State, and be distributed in such manner as they may from time to time direct:
- (8.) The conservators of a district shall, on their first appointment, give notice, by advertisement in one or more newspaper or newspapers published or circulating in their district, of a time, not being less than three months after such appointment, at the expiration of which it will be illegal to fish for salmon in that district without a licence, and shall state in the notice a place or places within their district where licences may be procured; and the production of a copy of a newspaper containing any such advertisement as aforesaid shall be conclusive evidence, as respects a fishery district, of due notice having been given of the time after which it will be illegal in that district to fish for salmon without licences.

35. *Penalty on fishing with Rod without Licence.*—From and after a time to be appointed as aforesaid in a fishery district, any person fishing in that district with a rod and line for salmon without a proper licence shall be liable to a penalty of not less than double the amount to be paid for the requisite licence, and not exceeding 5*l*.

36. *Penalty on fishing at Weirs or with Nets without Licence.*—From and after a time to be appointed as aforesaid in a fishery district, any person using within that district any fishing weir, fishing milldam, putt, putcher, net, or other instrument or device, not being a rod and line, for catching salmon, without having a proper licence for the same, shall be liable to a penalty of not less than double the amount to be paid for the requisite licence, and not exceeding 20*l*.

37. *Production of Licence.*—Any licensee under this Act on producing his licence, any conservator on producing a certificate of his being a conservator, or any water bailiff appointed in pursuance of this Act on producing the instrument appointing him, or any constable, if authorised so to do by the justices in quarter sessions, may require any person found fishing with a rod and line, fishing weir or fishing milldam, net, or other instrument, to produce his licence; and the person required to produce the

same shall, if he do not produce the same, or make a reasonable excuse for the nonproduction thereof, be liable to a penalty not exceeding 1l.

38. *County of City or County of Town included under the term County.*—A county of a city or county of a town shall for the purposes of this Act be deemed to be a county; and any act hereby authorised to be done by or to the justices of a county in quarter sessions assembled shall, in the case of a county of a city or county of a town, be done by or to the council of such city or town assembled at any meeting of council; and any act to be done by or to the clerk of the peace may be done by or to the town clerk or other like officer; and notice of a meeting of the council given in the usual way shall be equivalent to the notice of quarter sessions required to be given in the case of the justices of a county.

Fixed Engines.

39. *Amendment of Provisions relating to Fixed Engines.*—“Fixed engine” shall in this Act and “The Salmon Fishery Act 1861,” include any net or other implement for taking fish fixed to the soil, or made stationary in any other way, not being a fishing weir or fishing milldam: and whereas by the eleventh section of “The Salmon Fishery Act 1861” (a), it is provided that the said section shall not affect any ancient right or mode of fishing as exercised at the time of the passing of the Act by virtue of any grant or charter or immemorial usage: Be it enacted, that the said provisions shall extend to exempt from the said eleventh section such fixed engines only as were in use for catching salmon during the open season of one thousand eight hundred and sixty-one, in pursuance of an ancient right or mode of fishing as lawfully exercised during such open season, by virtue of any grant or charter or immemorial usage, which last-mentioned fixed engines are hereinafter referred to as privileged fixed engines. But inasmuch as in certain cases fixed engines in use during the four years previous to 1861, or one of such years, may from temporary causes have been out of use during the year 1861, and it is expedient to provide for such cases, it is hereby declared, that if it is proved to the satisfaction of the special commissioners appointed under this Act that any fixed engine not in use during the open season of 1861 was in use during one of the said four years, proof of its user during one of such four years may be substituted for proof of its user during the open season of 1861; so, nevertheless, that no person shall by proving the use of different fixed engines during the said years be allowed to be entitled to a number of privileged engines exceeding the greatest number of such engines in use by him during some one of the years 1857, 1858, 1859, 1860, 1861.

40. *Commissioners to inquire as to Fixed Engines.*—Subject to such appeal as is hereinafter mentioned, the special commissioners appointed under this Act, hereinafter referred to as

(a) See p. 64, and Notes, p. 27, *et seq.*

the commissioners, may inquire into the legality of all fixed engines erected or used for catching salmon within the limits of the Salmon Fishery Acts 1861 and 1865, and abate and remove all such as are not proved to their satisfaction to be privileged.

41. *Certificate as to Privileged Engines.*—Where a claim is made by any person on behalf of a fixed engine that it is privileged, the commissioners shall, on proof being given to their satisfaction that such engine is privileged, certify to that effect, stating in the certificate the situation, size, and description of the engine. A certificate given in pursuance of this section shall be deemed to be an order of the commissioners, and to be subject to appeal as such. If unappealed from, or as confirmed or amended on appeal, such certificate shall be conclusive evidence that the engine is a privileged engine within the meaning of the Salmon Fishery Acts 1861 and 1865, but the certificate shall not render any engine legal that would be otherwise illegal by reason of its being injurious to navigation.

42. *Commissioners to inquire as to Fishing Weirs.*—Subject to such appeal as is hereinafter mentioned, the commissioners may inquire into the legality of all fishing weirs and fishing milldams throughout the limits of the Salmon Fishery Acts 1861 and 1865, and shall remove such fishing weirs, and cause to be rendered incapable of catching fish such fishing milldams as are in contravention of "The Salmon Fishery Act 1861," provided that where a fishing weir is illegal only by reason of its not having a free gap as required by law, or a fishing milldam is illegal only by reason of its not having a fishing pass attached thereto as required by law, this section shall not empower the commissioners to remove such fishing weir if an undertaking be entered into, to the satisfaction of the commissioners, by the owner or other person interested in such weir, to make a legal free gap therein within a reasonable time to be prescribed by the commissioners, and a free gap is made accordingly, or to cause to be rendered incapable of catching fish such fishing milldam if a like undertaking be entered into to attach a fish pass thereto, as required by law, within a reasonable time to be prescribed by the commissioners, and such fish pass be attached accordingly.

43. *Notices of Courts of Commissioners.*—The commissioners shall advertise in some daily morning London newspaper, and in some newspaper circulating in the district in which any salmon river or part of a river is situate, notice of the place where and time when they will be prepared to hold a court for determining the legality of all fishing weirs, fishing milldams, and fixed engines on that river or part of a river.

The advertisement in the said newspapers shall be inserted at least twenty-eight days before the time at which any court mentioned therein is appointed to be held. The commissioners may alter any place or time mentioned in such advertisements, on giving notice of such alteration in such manner as the commissioners may think best calculated to insure to the parties interested knowledge of such alteration. The abovementioned

advertisement shall be in the form marked (A.) in the second schedule hereto, or as near thereto as circumstances admit. In addition to the foregoing advertisements, the commissioners, at least fourteen clear days before entering upon an inquiry as to the legality of any fishing weir, fishing milldam, or fixed engine, shall serve a notice on the owner or one of the owners of such fishing weir, fishing milldam, or fixed engine to appear before them at a place and time mentioned in such notice.

Service of a notice under this section may be made either by delivering the notice personally to such owner, or leaving it at or sending it by post in a registered letter to his last known place of abode, or, if the owner cannot be ascertained after due inquiry, by posting a copy of the notice on the fishing weir, fishing milldam, or fixed engine that forms the subject of the inquiry.

The notice shall be in the form marked (B.) in the second schedule hereto, or as near thereto as circumstances admit, and may be addressed as appears in the said schedule, and need not contain the name of any person.

For the purposes of this section any person for the time being receiving the profits or a share of the profits of the salmon caught by such fishing weir, fishing milldam, or fixed engine shall be deemed to be the owner, but in addition to any owner the commissioners shall hear any person appearing before them, whether legally interested or not in a fishing weir, fishing milldam, or fixed engine.

Any person obstructing or refusing access to any officer of the commissioners who may be desirous of posting any notice in pursuance of this section on a fishing weir, fishing milldam, or fixed engine shall be liable to a penalty not exceeding 5*l*. for each offence, and any person defacing, destroying, or removing any such notice shall be liable to a penalty not exceeding 40*s*.; and a notice shall be deemed to have been duly posted where the nonposting thereof has been occasioned by some person obstructing or refusing access to the officer about to post the same.

The production of a copy of a newspaper containing any advertisement required by this Act shall, for the purposes of this Act, be evidence of such advertisement having been given at the time at which the newspaper bears date.

44. *Hearing as to Legality of Fixed Engines.*—On the appearance of the owner or other persons for or against any fishing weir, fishing milldam, or fixed engine, and after hearing what, if anything, is alleged by him or them, or on his or their behalf, or in the absence of any such persons, if they or any of them do not appear, and the commissioners are satisfied by evidence on oath that the notices required by the Act have been given, the commissioners shall decide as to the legality or illegality of the fishing weir, fishing milldam, or fixed engine, and in the event of their decision being in favour of its illegality they may, by warrant under their hands, order the owner to remove a fishing weir, or render incapable of catching fish a fishing milldam

where the law requires such fishing weir or fixed engine to be removed, or such fishing milldam to be rendered incapable of catching fish, to the satisfaction of the commissioners, within a reasonable time to be prescribed in the order, not being less than three months; and in case the owner fails to comply with the directions of the order, then the commissioners may, by warrant under their hands, authorise any constable or other person, at the expense of the owner, to carry their order into effect. The commissioners may sell any fixed engine, or any materials belonging to any fishing weir or fishing milldam, that are removed in pursuance of this Act, and apply the proceeds of the sale in defraying any costs, charges, and expenses incident to carrying their order into effect in reference to such fishing weir, fishing milldam, or fixed engine, and shall render the surplus, if any, to the persons they may deem entitled thereto.

Provided that if it is proved to the satisfaction of the commissioners that any posts or other materials belonging to an illegal fishing weir or fixed engine ordered to be removed may be capable of being used by any person as evidence of title to any foreshore or other land, the commissioners shall, instead of ordering the entire removal of such posts or materials, require the fishing weir or fixed engine to be destroyed so far only as they may in their discretion think necessary in order to prevent its being used for fishing purposes.

45. *Appeal from Decision of Special Commissioners.*—If any person feels aggrieved with any decision of the commissioners the person aggrieved may appeal as follows; that is to say,

1. The appeal shall be to one of Her Majesty's superior courts of law at Westminster.
2. The appeal shall be by special case stating the facts and the grounds for the decision.
3. The special case shall be settled by the commissioners upon the application of the appellant to be made in writing within fourteen days after the delivery of the decision, and not afterwards; and if the appellant be dissatisfied with the special case as settled by the commissioners, he may have the same settled by a judge of one of the said superior courts, on summons, at chambers.
4. Before the delivery of the case to the appellant he shall enter into a recognisance before the said commissioners or a justice of the peace, with or without sureties, and in such sum as the commissioners or the justice think fit, conditioned to prosecute without delay the appeal, and to submit to the judgment of the appellate court, and to pay such costs as may be awarded.
5. The special case shall be signed by the commissioners, and shall be delivered to the appellant by the commissioners.
6. On the receipt of the special case the appellant shall within fourteen days transmit by post or otherwise the original case to the proper officer of the appellate court.
7. When a party gives in good faith notice of an appeal under

this section, but omits through mistake to do some act necessary to perfect the appeal, the appellate court may permit an amendment on such terms as it thinks just.

8. After the decision of the appellate court has been given on a case stated as aforesaid, the commissioners shall have the same powers to enforce that decision, when affirmed or amended, as they would have had to have enforced their original decision if it had not been appealed from.
9. Save as hereinbefore varied, the provisions of "The Summary Jurisdiction Act" of the twentieth and twenty-first years of Her Majesty's reign, chapter forty-three, as to the powers of the superior court, as to directing a special case to be stated, as to the enforcing of recognisances, and as to all other matters, shall apply to an appeal under this section in the same manner as if the words "justice or justices" in the said "Summary Jurisdiction Act" included the special commissioners appointed under this Act (a).
10. Any act required by this section to be done by the commissioners may be done by two of them, of whom the barrister hereinafter mentioned shall be one.

46. *Appointment of Commissioners under Sign Manual.*—Her Majesty may, by warrant under the royal sign manual, appoint any number of persons not exceeding three, of whom one shall be a barrister of not less than seven years standing at the bar, to be commissioners under this Act during Her Majesty's pleasure, and upon every vacancy in the office of any commissioner by death, resignation, or incapacity to act may appoint some other fit person to fill the vacancy: provided always, that in the case of a vacancy by the death, resignation, or incapacity of the commissioner required by this Act to be a barrister, another barrister qualified as aforesaid be appointed in his place.

47. *Commissioners to have a Common Seal.*—The commissioners appointed under this Act shall be styled "The Special Commissioners for English Fisheries;" they shall cause to be made for their commission such seal or seals as they may require; and any summons, order, warrant, or other instrument, or copy thereof, purporting to be sealed with the seal of the commissioners and to be signed as hereinafter mentioned, shall be received in evidence without any further proof.

48. *Commissioners not to sit in Parliament.*—No commissioner shall during his continuance in office be capable of being elected or of sitting as a member of the House of Commons.

49. *Acts of the Commissioners.*—All warrants for the removal of any fishing weir or fixed engine, or for the alteration of any fishing milldam, shall be signed by two at least of the commissioners, and all cases relating to the removal of such fishing weir or fixed engine, or alteration of any fishing milldam, shall be heard by all the commissioners, but the opinions of two of them, of whom the said barrister shall be one, shall, in case of

(a) See Note, p. 35.

difference, decide any question; any other acts, except as aforesaid, authorised to be done by the commissioners may be done by any one of them, and any notice or other instrument under the seal of the commissioners, and signed by any person delegated by them, shall be deemed to be sufficiently executed.

50. *The Treasury to fix Salaries, &c., and appoint Additional Officers.*—The Commissioners of Her Majesty's Treasury may from time to time fix such salaries as they may think fit for the commissioners hereby appointed, and also appoint such additional officers, clerks, and servants at such salaries as the said Commissioners of the Treasury may think proper and necessary, and from time to time dismiss such officers, clerks, and servants, and appoint others in their place.

51. *Duration of Office of Commissioners.*—The offices of the said commissioners, and all powers, rights, and privileges pertaining thereto, shall continue in force for two years, and from thenceforth until the end of the next session of Parliament.

52. *Powers of Commissioners.*—The commissioners may examine any witnesses on oath, and with respect to enforcing the attendance of witnesses, and the production of deeds, books, papers, and documents, shall have the same powers as the judges of one of Her Majesty's superior courts of Westminster have for such or the like purposes; moreover it shall be lawful for the commissioners to order any person to be removed from their court who may interrupt the business of the court, or refuse to obey their lawful orders in respect of the same; and it shall be the duty of the chief constable, commissioner, or chief officer of police of the county, city, borough, or place in which the court is held to take care that an officer of police do attend that court during its sitting for the purpose of keeping order therein, and to carry into effect any such order of the commissioners as aforesaid.

53. *Copies of Orders of Commissioners.*—Copies of orders of the commissioners made in pursuance of this Act, with the accompanying plans and maps, if any, shall be deposited with the clerk of the peace of the county where any engine or any subject matter to which such order relates is situate; and any copy of such order, plan, or map purporting to be stamped with the seal of the commissioners shall be admissible in evidence, and any copy of any certificate or order of the said Secretary of State in pursuance of the Salmon Fisheries Acts 1861 and 1865, or either of them, purporting to be stamped with the official stamp of the office of the said secretary, and to be signed by any person by order of the said Secretary of State, shall also be admissible in evidence.

54. *Penalty for False Swearing.*—Every person who upon examination before the commissioners, or any one of them, wilfully gives false evidence, and every person who wilfully swears, affirms, or declares falsely in any affidavit relating to any matter within the cognisance of the commissioners, shall be liable to the pains and penalties of perjury (a).

(a) See Note, p. 26.

55. *Proceedings not to Abate by Death, &c.*—Proceedings before the commissioners shall not abate or be suspended by any death or transmission or change of interest; but in any such case of death or transmission or change of interest it shall be lawful for the commissioners, when they see fit, to require notices to be given to persons becoming interested, or to make any orders for continuing, suspending, or carrying on the proceedings, or otherwise in relation thereto, which to the commissioners appears just.

Miscellaneous.

56. *Power in Certain Cases to award Imprisonment with Hard Labour instead of Penalty.*—Where any person has been convicted twice of an offence under any of the following sections of "The Salmon Fishery Act 1861," that is to say, sections eight, nine, fourteen, seventeen, and nineteen (a), he may, on being convicted a third time of an offence against any of the said sections, instead of being fined in a pecuniary penalty, be sentenced to imprisonment with or without hard labour for any period not exceeding six months, and, if a licensee, he shall, on being convicted a second time of an offence against the Salmon Fishery Acts 1861, 1865, forfeit his licence.

57. *Minimum Penalties.*—The penalty in respect of any offence under the Salmon Fishery Acts 1861 and 1865, shall on a conviction for a second offence be not less than one-half the greatest penalty capable of being imposed in respect of such offence; and on a conviction for a third or any subsequent offence the greatest amount of penalty mentioned in the said Acts shall be imposed; but nothing herein contained shall affect the provisions of "The Salmon Fishery Act 1865," in respect of the discretion of imposing the punishment of hard labour as therein mentioned.

58. *Forfeiture of Nets, &c.*—Where any person has been convicted of an offence under section seventeen of "The Salmon Fishery Act 1861," he shall, in addition to the penalties thereby incurred, forfeit any net or movable instrument used in committing such offence, and the convicting justices shall direct the same to be sold or destroyed, and the proceeds of such sale shall be paid to the conservators of the district.

59. *Limit of Time for Compensation for Fish Pass.*—Whereas by the twenty-third section (b) of "The Salmon Fishery Act 1861," any person sustaining loss by reason of a person or body of persons affixing a fish pass to a dam, in pursuance of that section, may recover compensation for such injury in a summary manner from the person or body of persons by whom such fish pass had been affixed: be it enacted, that no such compensation shall be recovered unless proceedings for the recovery of the same are instituted within two years after the time at which the fish pass was first affixed to the dam.

60. *Consent of Conservators necessary for Artificial Propagation of Salmon.*—Where any person, under "The Salmon Fishery

(a) See pp. 63, 66.

(b) See p. 68.

Act 1861," is exempted from a penalty in respect of using or having in his possession salmon roe on the ground that he uses or has it in his possession for artificial propagation or other scientific purposes, or is upon the same ground exempt from a penalty in respect of taking or having in his possession unclean or unseasonable salmon, or catching or attempting to catch salmon when spawning or near their spawning beds, he shall not, if within a district where a board of conservators is established, be exempt in any of the above cases from such penalty unless the consent of the board has been given in writing to such use or possession of salmon roe, or to such taking possession of unclean or unseasonable salmon.

61. *As to Disqualification of Justices.*—No justice of the peace shall be disqualified from hearing any case arising under the Salmon Fishery Acts 1861, 1865, or either of them, by reason of his being a conservator or a member of a board of conservators, or a subscriber to any society for the protection of salmon or trout; provided that no justice shall be entitled to hear any case in respect of an offence committed on his own land.

62. *Payment of Penalties to Conservators in Certain Cases.*—Where any penalty is recovered on the complaint of a board of conservators or of any officer of or person authorised by a board of conservators, the court shall, unless for special reason they think it inexpedient so to do, direct the whole of the penalty and the proceeds of any forfeiture to be paid to the said board, to be applied by them for the purposes of the Salmon Fishery Acts 1861, 1865.

63. *River Esk within Limits of Act.*—The river Esk, together with its banks and tributary streams up to their source, shall be deemed to be within the limits of the Salmon Fishery Acts 1861 and 1865: provided that all offences against the said Acts committed within Scotch jurisdiction shall be prosecuted and punished in manner directed by "The Salmon Fisheries (Scotland) Act 1862" (a).

64. *Partial application of Salmon Acts to Trout in Salmon Rivers.*—The sections of "The Salmon Fishery Act 1861" that apply to fishing with lights, spears, and other prohibited instruments, and to using roe as a bait, and which are numbered respectively eight and nine, as amended by this Act, shall apply to trout in a salmon river situate in a fishery district which is subject to a board of conservators appointed under this Act; and in any such river no person shall fish for, catch or attempt to catch, or kill any trout between the second day of November and the first day of February following, both inclusive; and any person wilfully killing any trout in any such river as aforesaid during such interval as aforesaid shall forfeit any trout caught by him, and shall, in addition thereto, be liable to a penalty not exceeding two pounds for each offence: Provided always, that nothing herein

(a) See this Act, p. 111.

contained shall apply to any person having in his possession trout or trout roe for the purpose of artificial propagation or other purpose, if such person has the permission in writing of the board of the district in which the river runs from whence such trout or trout roe has been taken to catch such trout, and to have in his possession such trout or trout roe for the purposes aforesaid.

65. *Provisions as to Exportation of Salmon.*—All salmon intended for exportation shall be entered for that purpose with the proper officer of customs, at the port or place of intended exportation, before shipment thereof; and any salmon shipped or exported, or brought to any wharf, quay, or other place for exportation, between the third day of September and the second day of February following, contrary to this section, shall be forfeited, and the person shipping or exporting, or bringing the same for exportation, shall be liable to a penalty not exceeding two pounds for every salmon so shipped or exported, or brought for exportation; and any officer of the customs may, between the third day of September and the second day of February, open any parcel entered or intended for exportation, or brought to any quay, wharf, or other place for that purpose, and suspected by him to contain salmon, and may detain any salmon found in such parcel until proof is given, in manner provided by law, of the salmon being such as may be legally exported; and if the salmon, before such proof is given, become unfit for human food, the officer of customs may destroy the same (a).

66. *Appeal to Quarter Sessions in Case of Summary Conviction.*—If any person feels aggrieved by any determination or adjudication of the justices with respect to any penalty or forfeiture under the Salmon Fishery Acts 1861, 1865, or either of the said Acts, the person so aggrieved may appeal to the court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than fifteen days and not more than four months after the decision of the justices from which the appeal is made; provided that the appellant shall, within three days after the cause of appeal has arisen, give notice in writing to the other party to the proceedings of his intention to appeal, and of the grounds thereof; and also provided that the appellant shall, within three days after the cause of appeal has arisen, enter into a recognisance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court: the court may adjourn the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the justices, with or without costs, to be paid by either party.

(a) See 26 Vict. c. 10, p. 78.

FIRST SCHEDULE.

| LICENCE DUTIES. | | | | Maximum. | | |
|---|-----|-----|-----|----------|-----|-----|
| | | | | £ | s. | d. |
| Draft or Hang Nets... | ... | ... | ... | each | 5 | 0 0 |
| Coracle Nets... | ... | ... | ... | " | 2 | 0 0 |
| Box, Crib, or Cruive | ... | ... | ... | " | 10 | 0 0 |
| Putts... | ... | ... | ... | " | 0 | 2 6 |
| Putchers, under 50 | ... | ... | ... | ... | 1 | 0 0 |
| For every additional 50 or part thereof | ... | ... | ... | ... | 1 | 0 0 |
| For Outriggers or Leaders to Putts or Putchers of | ... | ... | ... | ... | ... | ... |
| 100 Yards in Length, or under... | ... | ... | ... | ... | 1 | 0 0 |
| For any Outriggers or Leaders of greater | ... | ... | ... | ... | ... | ... |
| Length | ... | ... | ... | ... | 5 | 0 0 |
| For V-Weirs, or Gog-heads or Baulks, each | ... | ... | ... | ... | 10 | 0 0 |
| Otter, Lath, or Jack | ... | ... | ... | each | 3 | 0 0 |
| Cross Line | ... | ... | ... | " | 2 | 0 0 |

For any instrument not named in this schedule, and not being a rod and line, such sum as may be determined by the conservators with the approval of the Secretary of State.

SECOND SCHEDULE.

FORM (A.)

ADVERTISEMENT.—SALMON FISHERY ACTS 1861, 1865.

Notice is hereby given, that the Special Commissioners for English Fisheries will hold a court . . . and at such court will proceed to inquire into the legality of all fishing weirs, fishing milldams, and fixed engines situate on the . . . and all persons interested in such engines are required to attend at such court from day to day until discharged, in order that a decision may be made by the said commissioners with respect to the removal of such fishing weirs or fixed engines, or the alteration of such fishing milldams, or that such other order may be made by them in the premises as the facts of each case appear to warrant.

FORM (B.)

NOTICE.

To the owner of the . . . , and all other persons interested therein.

Take notice, you are required to appear before us, the Special

Commissioners for English Fisheries, and thence-
forward from day to day until discharged, in order that there
may be then and there an inquiry by us touching the legality of
and that a decision may be made by us with
respect to their removal, or that such other order may be made
by us in the premises as the facts of the case may appear to us
to warrant.

Given under our hands and under the common seal of the
said Commissioners this day of 186

SCOTLAND.

SALMON FISHERIES (SCOTLAND).

25 & 26 VICT. c. 97.

An Act to regulate and amend the Law respecting the Salmon Fisheries of Scotland.—[7th August 1862.]

WHEREAS it is expedient that the Acts relating to the salmon fisheries in Scotland should be amended, and that further provision should be made for the regulation of fisheries, the removal of obstructions, and the prevention of illegal fishing: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Short Title.*—This Act may be cited for all purposes as “The Salmon Fisheries (Scotland) Act 1862.”

2. *Interpretation of Terms.*—The following words and expressions in this Act shall have the meanings hereby assigned to them, unless such meanings be repugnant to or inconsistent with the context:

“Commissioners” shall mean the commissioners appointed and acting under the authority of this Act for the time being:

“Clerk” shall mean the clerk to be appointed by any district board:

“Sheriff” shall mean the sheriff of the county in Scotland of which he is sheriff, and shall include sheriffs substitute:

“Justice” or “Justices” shall mean any justice or justices of the peace acting for the county, city, or burgh where the matter requiring the cognizance of such justice or justices shall arise:

“Secretary of State” shall mean one of her Majesty's principal secretaries of state:

“Proprietor” or “Proprietors” shall mean and include any person, company, or corporation who is the proprietor of a salmon fishery, or who receives or is entitled to receive the rents of such fishery on his or their own account, or as trustee, guardian, or factor for any person, company, or corporation, and shall also include her Majesty in right of her crown:

“Byelaw” and “Byelaws” shall include all rules, orders, and

regulations made by the commissioners under the authority of this Act:

"Salmon" shall mean and include salmon, grilse, sea trout, bull trout, smolts, parr, and other migratory fish of the salmon kind:

"Fisheries" and "Fishery" shall mean salmon fisheries and a salmon fishery in any river or estuary or in the sea:

"River" shall include tributaries and any lake from or through which any river flows:

"Valuation Roll" shall mean the valuation roll in force for the time for any county, and each of the royal burghs therein, made up under the authority of the public general Act seventeenth and eighteenth Victoria, chapter ninety-one, or any other Act relating to the valuation of lands and heritages in Scotland which may be in force for the time.

3. *Commencement of Act.*—The enactments and provisions of this Act with respect to the appointment, powers, and duties of the commissioners, and the election, powers, and duties of district boards, shall come into operation and take effect from and after the passing of this Act, and all the other enactments and provisions of this Act shall come into operation and take effect from and after the first day of January one thousand eight hundred and sixty-three.

4. *Each River and Estuary, and the Seacoasts adjoining, to be a District.*—Each river in Scotland flowing into the sea, and every tributary stream or lake flowing into or connected with such river, and the mouth or estuary of such river, and the seacoasts adjoining thereto, divided into such portions as may be fixed and defined by the commissioners under the authority of this Act, shall form a district for the purposes of this Act.

5. *Commissioners to be appointed by Secretary of State.*—It shall be lawful for the secretary of state to appoint three commissioners for the purposes of this Act, who shall be paid at such rate, not exceeding 3*l.* per day each, as the commissioners of the treasury may direct, the whole amount to be received by each commissioner not exceeding 350*l.* per annum, over and above such travelling expenses as the commissioners of the treasury may sanction: Provided that the duration of the office of such commissioners shall in no case extend beyond three years.

6. *Duties of Commissioners.*—The commissioners shall have the powers and perform the duties hereinafter specified; that is to say,

- (1.) To fix and define, for the purposes of this Act and the other Acts relating to salmon and salmon fisheries in Scotland, the natural limits which divide each river in Scotland (including the estuary thereof) from the sea, in so far as the same may not be already fixed by statute or by judicial decision (a):

(a) See Byelaws, p. 117.

- (2.) To fix, for the purposes of this Act, the limits of the Solway Firth, having regard to an Act passed in the forty-fourth year of the reign of His Majesty King George the III., chapter forty-five (a):
- (3.) To fix, for the purposes of this Act, the limits of every district, and the portions of the seacoast adjoining to the mouth or estuary of any river to be included in such district (b):
- (4.) To fix, for the purposes of this Act, a point on each river (including the estuary thereof) below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors (c):
- (5.) To determine, subject to the provisions of this Act, at what dates the annual close time for every district shall commence and terminate, and at what periods subsequent to the commencement and prior to the termination of the annual close time it shall be lawful to fish for and take salmon with the rod and line: provided that the number of days during which such annual close time shall continue shall be the same as regards every district (d):
- (6.) To make general regulations with respect to the following matters; viz.,
 - The due observance of the weekly close time (e):
 - The construction and use of cruives (f):
 - The construction and alteration of milldams, or lades, or water-wheels, so as to afford a reasonable means for the passage of salmon (g):
 - The meshes of nets (so that they shall not intercept smolts or salmon fry) (h):
 - Obstructions in rivers or estuaries to the passage of salmon:
 - Provided that such regulations shall not interfere with any rights held at the time of the passing of this Act under royal grant or charter, or possessed for time immemorial.

7. *Annual and Weekly Close Time.*—The annual close time for every district shall continue for one hundred and sixty-eight days; and the weekly close time, except for rod and line (i), shall continue from the hour of six of the clock on Saturday night to the hour of six of the clock on Monday morning; but the commissioners shall have power, on the application of the district board, or of any two proprietors of fisheries in any district, to vary the period at which the weekly close time shall commence in any district, or any part thereof, in so far as they may think reasonable or expedient: provided that such weekly close time shall in no case be less than thirty-six hours.

8. *Application of Annual Close Time.*—The annual close time shall be applicable to every mode of fishing for or taking salmon

(a) See p. 103. (b) P. 161. (c) P. 117. (d) P. 176. (e) P. 181. (f) P. 186.
(g) P. 187. (h) P. 183. (i) See note, p. 12.

in any river, lake, or estuary, or in the sea, except by means of the rod and line (a) for the periods in each district to be fixed by the commissioners subsequent to the commencement and prior to the termination of the annual close time during which it shall be lawful to fish for and take salmon by means of the rod and line.

9. *Present Annual Close Times to subsist until altered under this Act.*—In regard to any river and estuary which are regulated by any local Act relating thereto the annual close time fixed by such Act, and in regard to all other rivers, estuaries, and sea-coasts in Scotland the annual close time fixed by the Public General Act, 9 George the Fourth, c. 39, shall respectively be applicable until the annual close time with respect to any such river, estuary, or sea-coast shall be otherwise determined by any byelaw made by the commissioners under the authority of this Act.

10. *Fishing illegal where prohibited by existing Acts.*—It shall not be lawful to fish for or take salmon at any place or by any mode prohibited by any statute relating to salmon or salmon fisheries in Scotland subsisting and in force at the date of the passing of this Act (b); and nothing contained in this Act or in any byelaw made by the commissioners shall render legal any mode of fishing which was or would have been illegal at the date of the passing of this Act.

11. *Penalties for Offences.*—Every person who commits any of the following offences shall for every such offence be liable to a penalty not exceeding 5*l.*, and to a further penalty not exceeding 2*l.* for every salmon taken or killed contrary to the provisions of this Act, or of any byelaw made by the commissioners under the authority of this Act; and shall, in addition to such penalties, at the discretion of the magistrate, forfeit every boat, net, rod, line, or other article which has been or may be used in fishing for or taking salmon, and which is found in the possession of such person at the time of the committing such offence; that is to say,

Every person who fishes for or takes salmon during the annual close time by any means other than the rod and line:

(a) See note, p. 12.

(b) The bulk of the former Scotch Salmon Fishery Acts are practically repealed, but by the 7 & 8 Vict. c. 95, s. 11, any poacher for salmon, &c., in Scotland shall forfeit not less than 10*s.* and not exceeding 5*l.* for each offence, and may also forfeit all fish, boats, tackle, or engines used, and any person may seize the same; and such penalties are recoverable under 9 Geo. 4, c. 39, under which Act any person may apprehend offenders without warrant (s. 11). Half any penalty to go to the informer; and the sheriff or justice may grant a warrant, and proceed in a summary manner, and, in default, imprisonment not exceeding six months may follow, subject to appeal to the next circuit court, or, where there is none, to the high court of judicature (s. 9).

The effect of the older Scotch statutes and numerous legal decisions as recently laid down by Lord Westbury, is to make it "illegal to fish for salmon [in rivers or estuaries] with any net or engine for catching fish which is a fixture even for a time,—that it is not legal to fish with a net unless when the net continues in the hand of the fisherman. The net must not quit the hand, and the net must be in motion during the operation of fishing." (*Hay v. Provost of Perth*, S. Jur. 463.) See note (b), p. 10.

Every person who fishes for or takes salmon, except during Saturday or Monday, by rod and line, during the weekly close time, or acts in breach or contravention of any byelaw made by the commissioners in regard thereto:

Every person who fishes for or takes salmon during the annual close time by means of the rod and line at a period not sanctioned by the commissioners:

Every person who fishes for salmon with a net having a mesh contrary to any byelaw of the commissioners:

Every person who obstructs or impedes the passage of salmon contrary to any byelaw of the commissioners:

Every person who sells or exposes for sale fresh salmon taken within the limits of this Act during the period between the commencement of the latest and the termination of the earliest annual close time which may have been fixed for any district; but the burden of proving that salmon so sold or exposed by any person for sale have been caught beyond the limits of this Act shall lie on the person selling or exposing the same for sale:

Every person who takes or has in his possession any foul or unseasonable salmon:

Every person who uses or has in his possession any light for the purpose and with the intention of taking salmon:

Every person who sets a net or any other engine for capture of salmon when the fish show themselves when leaping at or trying to ascend any fall or other impediment:

Every person who wilfully takes or destroys or injures or obstructs the passage of the young of salmon, or disturbs any spawning bed, or any bank or shallow on which the spawn of salmon may be deposited; but this provision shall not apply to Acts done for the purpose of the artificial propagation of salmon or for other scientific purposes, or in the course of the exercise of rights of property in the bed of any stream: provided also, that the district board may, with the consent of all the proprietors of salmon fisheries in any river or estuary, adopt such means as they think fit for preventing the ingress of salmon into narrow streams or tributaries in which they or the spawning beds are, from the nature of the channel, liable to be destroyed, but always so that no water rights used or enjoyed for the purposes of manufactures or agricultural purposes or drainage shall be interfered with thereby.

12. *Penalty for using or possessing Salmon Roe.*—Every person who uses salmon roe for the purpose of fishing, or has in his possession any salmon roe for sale or for the purpose of fishing, shall for every such offence be liable to a penalty not exceeding 2*l.*, and shall forfeit any salmon roe found in his possession.

13. *Penalty for causing or allowing poisonous Substances to flow into Rivers.*—Every person who causes or knowingly permits to flow, or puts or knowingly permits to be put, into any river con-

taining salmon, any liquid or solid matter poisonous or deleterious to salmon, or who shall discharge into any river sawdust to an extent injurious to any salmon fishery, shall be liable to the following penalties; (that is to say,)

For the first offence a penalty not exceeding 5*l.* :

For the second offence a penalty not exceeding 10*l.*, and a further penalty not exceeding 2*l.* for every day during which such offence is continued :

For the third or any subsequent offence a penalty not exceeding 20*l.* and a further penalty not exceeding 5*l.* for every day during which such offence is continued :

But no person shall be subject to the foregoing penalties for any act done in the exercise of any right to which he is by law entitled, if he prove to the satisfaction of the court before whom he is tried that he has used the best practicable means, within a reasonable cost, to dispose of or render harmless the liquid or solid matter so permitted to flow or to be put into waters ; but nothing herein contained shall prevent any person from acquiring a legal right in cases where he would have acquired it if this Act had not passed, or exempt any person from any punishment to which he would otherwise be subject, or legalise any act or default that would but for this Act be contrary to law.

14. *Commissioners to visit and report on Rivers and Estuaries.*—The commissioners shall visit and report on the several rivers and estuaries and salmon fisheries in Scotland, after notice duly given by special advertisement in some newspaper of general circulation in the district, not less than ten days before any such visitation, to the proprietors of salmon fishings on each of such rivers or estuaries, of their intention so to visit and report.

15. *Commissioners to make Byelaws on Matters specified in Third and Fourth Subdivisions of Sixth Section of this Act.*—The commissioners shall, on or before the first day of January one thousand eight hundred and sixty-three (a), fix and determine by byelaws the matters specified in the third and fourth subdivisions of the sixth section of this Act ; and a copy of such byelaws applicable to each district shall be, prior to the said date, transmitted by post to the sheriff clerk of each county, in so far as the same may relate to a district or part of a district situate therein ; and the sheriff clerk shall, on receipt of such copy, give notice of such byelaws by advertisement inserted once for each of two successive weeks in some newspaper published in such county, or, if no newspaper be published therein, in some newspaper published in a county adjoining thereto ; and every person whose interests may be affected by any such byelaws may state to the Secretary of State any objections to any such byelaw ; and the Secretary of State shall, after one month after the date of such byelaws, approve or alter or disapprove of the same (b) ; and

(a) The powers of the commissioners are extended, by 28 & 29 Vict. c. 119, to the 1st January, 1867.

(b) See 27 & 28 Vict. c. 118, s. 2, p. 115.

every such byelaw, when approved of or altered by the Secretary of State, shall be published in the "Edinburgh Gazette," and in such further mode as the Secretary of State may direct, and on being so published shall be legal and binding on all concerned: provided that in the case of such districts in which by reason of their inconsiderable size it may seem to the commissioners unnecessary to determine such matters, they may defer doing so until required by more than six proprietors of fisheries within the same, after the limits of such district have been defined, as hereinafter provided, and shall proceed, in other respects, as above provided.

16. *Commissioners to make Byelaws on the other Matters specified in Sixth Section.*—The commissioners shall, on or before the first day of January one thousand eight hundred and sixty-four (a), determine the other matters specified in the sixth section of this Act, by byelaws under their hands, or the hand of any two of them, and shall report the same to the Secretary of State; provided that previously to making such byelaws they shall communicate the same to the district board (b), and afford the board reasonable opportunity of making any representation to the commissioners respecting the same; and a copy of such byelaws shall be transmitted to the sheriff clerk of each county, in so far as the same may relate to any district situated therein; and the sheriff clerk shall, on the receipt of such copy, give notice of such byelaws by advertisement inserted once for each of two successive weeks in some newspaper published in such county, or, if no newspaper be published therein, in some newspaper published in a county adjoining thereto; and every person whose interests may be affected by any such byelaws may state to the Secretary of State any objections to any such byelaw; and the Secretary of State shall, after two months and within four months after the date of such byelaws, approve or alter or disapprove of the same (c); and every such byelaw, when approved of or altered by the Secretary of State, shall be published in the *Edinburgh Gazette*, and in such further mode as the Secretary of State may direct, and on being so published shall be legal and binding on all concerned.

17. *As to Evidence to be taken by Commissioners.*—The commissioners, in execution of this Act, shall take such evidence as they may find to be necessary, and in the event of witnesses refusing to attend and give evidence, or to allow access to documents, they may apply to the sheriff of the county for a warrant to cite witnesses and havers, and the sheriff is hereby authorised to grant the same.

18. *As to the Election of District Boards.*—Within three months after any byelaw constituting the district shall have been published the sheriff shall direct the sheriff clerk to make up a roll

(a) The powers of the commissioners are extended, by 28 & 29 Vict. c. 119, to the 1st January, 1867.

(b) See 27 & 28 Vict. c. 118, ss. 3, 4, p. 116.

(c) See 27 & 28 Vict. c. 118, s. 2. p. 115.

of the upper proprietors and also a roll of the lower proprietors in each district; and the qualification of an upper proprietor shall be the property of a fishery entered in the valuation roll as of the yearly rent or yearly value of twenty pounds or upwards, or, if such fishery be not valued on the valuation roll, of half a mile of frontage to the river, with a right of salmon fishing, and the qualification of a lower proprietor shall be the property of a fishery entered in the valuation roll as of the yearly rent or yearly value of twenty pounds or upwards; and the sheriff shall have power to decide summarily any question arising on any claim to such qualification (a); and the sheriff shall thereafter direct the sheriff clerk to call a meeting of the upper proprietors, and also a meeting of the lower proprietors, at such times and places as he shall direct; and notice of such meeting shall be given as hereinbefore provided with respect to the publication of byelaws made by the commissioners; and the upper proprietors and lower proprietors present at such separate meetings respectively shall elect not more than three of their number to be members of the district board, every proprietor of a fishery valued at more than five hundred pounds on the valuation roll having two votes at such election, and an additional vote for every five hundred pounds of rental, but not more than four votes in all; and the members so elected with the proprietor having the largest amount entered in the valuation roll as the yearly rent or yearly value of fisheries in such district shall constitute the district board; and the last-mentioned proprietor shall be the chairman of the board, and have a deliberative as well as a casting vote; and the election of such board shall be notified by the chairman of such respective meetings to the sheriff clerk within seven days from the date of the same, and the sheriff shall thereafter summon the first meeting of such board for such day and such place as he may fix (b): Provided always, that if any river be situate in two or more counties, the notices above provided shall be given and such meetings shall be called in such manner as the sheriffs of such counties jointly shall direct.

19. *Constitution of the Board where Proprietors are less in Number than Three.—Their Votes.*—If in any district the upper proprietors or the lower proprietors shall be fewer in number than three, the board shall consist of an equal number, elected as aforesaid, along with the proprietor having the largest valuation, who shall also be chairman of the board, as above provided; and

(a) See notes, pp. 10, 104.

It is presumed that the jurisdiction of the sheriff under this section is confined to such questions of fact as whether or not the claimant's name appears on the Valuation Roll for the amount specified, or whether the frontage claimed is of the specified extent. It must be obvious that the sheriff cannot have an authority thus conferred upon him to inquire into and decide as to the title to any estate or fishery right; nor could he under this sect. alter the valuation roll made up under the 17 & 18 Vict. c. 91, &c. It is also presumed that the decision on any such question would be open to review by virtue of sect. 28, so that any erroneous judgment may be corrected prior to the next election under sect. 24.

(b) See 26 & 27 Vict. c. 50, s. 2, p. 113.

if such last-mentioned proprietor be the sole upper or the sole lower proprietor, he shall have two votes on the board; and if there shall be only one proprietor in any district such proprietor shall have and may exercise all the powers by this Act conferred on the district board.

20. *Mandatorys may be appointed.*—It shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, in cases where Her Majesty in right of her crown is proprietor of any fishery, and for any corporation or company, being the proprietors of any fishery, or for any proprietor of a fishery, respectively, from time to time to nominate and appoint, by any writing under his or their hand or seal, any person as the mandatory of such commissioners, corporation, company, or proprietor to attend, act, and vote at any meeting of proprietors under this Act; and every such nomination and appointment shall subsist until recalled by the said commissioners or either of them, or by the corporation or company or proprietor making the same.

21. *Payment to Sheriff Clerk in connexion with Elections.*—All expenses incurred by the sheriff clerk in making up the roll of proprietors, and in calling and attending the meetings for the election of the district board, with such reasonable remuneration for his time and trouble as shall be fixed by the sheriff, shall be paid to the sheriff clerk by the district board out of the assessments to be levied under the authority of this Act.

22. *Powers and Duties of District Boards.*—The district board may sue or be sued in the name of their clerk, and if there be more than six members three members shall form a quorum, and if there be fewer than six members two shall form a quorum, and they shall keep regular books and accounts, and shall hold their first meeting within ten days after the first election under this Act at a time and place to be fixed at the meetings of proprietors at which such election took place, or in cases where such election is not necessary the first meeting shall take place at a time to be fixed by a majority of the proprietors, and notice of such meeting shall be given as hereinbefore provided with respect to the publication of byelaws to be made by the commissioners; and the district board shall have power, subject to the provisions of this Act and the byelaws made by the commissioners, to make and alter from time to time regulations for the preservation of the fisheries in the district, and from time to time to appoint a clerk, and such number of constables, water bailiffs, watchers, and other officers as they think fit, to fix and prescribe the duties of all persons appointed by them, and to remove such persons, and appoint other persons in their stead; and they may combine with any other district board for the purpose of this Act, and to maintain a common staff of officers for the protection and preservation of the fisheries of more than one district, and may agree with the police committee of any county for the purpose of paying additional constables for the better protection of the fisheries in their district: Provided that all such regulations shall, before taking

effect, be reported to and approved by the Secretary of State, and shall not interfere with any vested right of property, and shall not authorise any encroachment or trespass on private property.

23. *Assessments may be imposed by District Boards.*—The district board shall have power to impose an assessment for the purposes of this Act, to be called the fishery assessment, on the several fisheries in each district, according to the yearly rent or yearly value of such fisheries as entered in the valuation roll; and every proprietor of a fishery which is not valued on the valuation roll, and who shall claim right to vote in the election of members of the district board, shall be held to be a proprietor of a fishery of the value of twenty pounds, and shall be assessed accordingly; and such fishery assessments may be imposed, collected, and recovered by the district board in the same manner as police assessments may be imposed, collected, and recovered by the commissioners of supply under the authority of the Public General Act, twentieth and twenty-first Victoria, chapter seventy-two; and for the purpose of imposing, collecting, and recovering such fishery assessments the district boards shall have and may exercise all the powers conferred by the said Act on commissioners of supply for imposing, collecting, and recovering the assessments leviable under the same.

24. *As to future Elections of District Boards.*—Each district board shall continue in office for three years, and members thereof shall be eligible for re-election, and vacancies occurring during such period shall be filled up by the board until the next meeting of proprietors, who shall then fill up the same; and meetings of the upper and lower proprietors respectively for the purpose of each triennial election of not more than three upper proprietors and three lower proprietors respectively shall be called by the clerk, who shall give notice of such meetings by advertisement as hereinbefore provided with respect to the publication of byelaws made by the commissioners; and such meetings shall at the same time take such steps as they shall think proper for auditing and attesting the accounts of the district board for the preceding three years.

25. *Penalties for Breach of Byelaws and Regulations.*—It shall be lawful for the district board, by any byelaw or regulation to be made by them and approved of by the Secretary of State as hereinbefore provided, to enact that any person committing any breach or contravention of such byelaw or regulation shall be liable for every such offence to a penalty not exceeding 2*l.*; and such penalty may be sued for and recovered in the same manner as penalties incurred and imposed under the provisions of this Act.

26. *Forfeited Articles may be seized.*—Any net, rod, line, or other article directed to be forfeited under this Act may be seized by any constable, water bailiff, watcher, or other officer appointed by the district board, and the sheriff or justice may either order the same to be destroyed or to be sold, and the proceeds of such sale to be paid to the clerk on behalf of the district board.

27. *Three or more persons illegally fishing at Night to be guilty of a Criminal Offence.*—If three or more persons acting in concert, or being together or in company, shall at any time between the expiration of the first hour after sunset on any day and the beginning of the last hour before sunrise on the following morning enter or be found upon any ground adjacent or near to any river or estuary or the sea, or in or upon any river or estuary or the sea, with intent illegally to take or kill salmon, or having in his or their possession any net, rod, spear, light, or other instrument used for taking salmon with such intent as aforesaid, or shall illegally take or kill, or attempt to take or kill, or aid or assist in killing or taking salmon, every such person shall be guilty in Scotland of a criminal offence, and in England within the limits of the "Tweed Fisheries Amendment Act," (a) of a misdemeanor, and shall for every such offence be liable to a fine not exceeding 5*l.*, or to imprisonment for any period not exceeding three months, as the sheriff or justices before whom such persons or any of them are tried and convicted may determine; and if such fine be not paid immediately on conviction, the offender so failing to pay shall be sentenced to imprisonment for such period, not exceeding three months, as the sheriff or justices may adjudge, unless such fine shall be sooner paid.

28. *Prosecution for Offences under this Act and Recovery of Penalties.*—All offences under this Act may be prosecuted and all penalties incurred under this Act may be recovered before any sheriff or any two justices acting together and having jurisdiction in the place where the offence was committed, at the instance of the clerk of any district board or of any other person; and it shall be lawful for the sheriff or justices to whom any petition or complaint is presented to proceed in a summary form, and to grant warrant for bringing the persons complained against before him or them, and on proof on oath by one or more credible witness or witnesses or confession of the person accused, or other legal evidence, forthwith to determine and give judgment in such complaint, without any written pleadings or record of evidence, other than a record of the charge and of the judgment pronounced thereon and to grant warrant for the recovery of all penalties and expenses decerned for, by poinding, and imprisonment for any period not exceeding six months; and any person who shall think himself aggrieved by any judgment of the sheriff or justices pronounced in any complaint or prosecution under this Act may appeal to the Court of Justiciary at their next Circuit Court, or where there is no Circuit Court to the High Court of Justiciary at Edinburgh, in the manner and under the rules, limitations, conditions, and restrictions contained in the Act passed in the twentieth year of the reign of His Majesty King George the Second, chapter forty-three, for taking away and abolishing heritable jurisdictions in Scotland, with this variation, that such person shall, in place of finding caution in the terms

(a) See note, p. 53.

prescribed by the said Act, be bound to find caution to pay the penalty and expenses awarded against him by the judgment appealed from, in the event of such appeal being dismissed, together with any additional expenses that shall be awarded by the Circuit Court or Court of Justiciary on dismissing such appeal; and it shall not be competent to appeal from or bring the judgments of any sheriff or justices acting under this Act under review by advocacy or in any other way than as herein provided.

29. *Enforcement of Regulations and Byelaws.*—In the event of any person refusing or neglecting to obey any byelaw made by the commissioners, or any regulation made by the district board, the clerk may apply to the sheriff by summary petition in ordinary form, praying to have such person ordained to obey the same, and the sheriff shall take such proceedings and make such orders thereupon as he shall think just.

30. *Expenses may be decerned for.*—In giving judgment on any application or complaint under this Act the sheriff or justices may find the person complained against liable in expenses, and may decern for payment of the same.

31. *Recovery of Penalties and Expenses.*—All penalties and expenses incurred under this Act, or under any byelaw or regulation made under the authority thereof, may be recovered by ordinary action or in the small debt court of the sheriff.

32. *Payment and Application of Penalties.*—The penalties incurred under this Act shall in all prosecutions at the instance of the clerk of any district board be payable to and recoverable by such clerk, and shall in all other cases be paid and applied in such manner as the sheriff or justices may direct; and all penalties and expenses received by the clerk, and the proceeds of the sale of any articles seized and directed to be sold as before provided, shall be applied by the district board towards defraying the expenses incurred by them in carrying into execution the provisions of this Act.

33. *Certain Provisions of Act 24 & 25 Vict. c. 109, applied to Solway Firth.*—From and after the first day of January one thousand eight hundred and sixty-five the provisions of the said Act (a), intituled "An Act to amend the Laws relating to Fisheries of Salmon in England," shall extend and apply to salmon fisheries in the waters and on the shores of the Solway Firth situate in Scotland, as the same may be fixed by authority of this Act, and to the rivers flowing into the same, in so far as such provisions relate to the use of fixed engines for the taking of salmon: provided that all offences against such provisions shall be prosecuted and punished as directed by this Act.(b)

34. *This Act not to Apply to the River Tweed.*—No part of

(a) See 26 & 27 Vict. c. 50, s. 3, p. 114.

(b) See 24 & 25 Vict. c. 109, s. 11, p. 64, and notes there referred to. The river Esk and its tributaries shall be deemed within the limits of the English Acts, except that offences within Scotch jurisdiction shall be punished under the Scotch Act of 1862 (see 28 & 29 Vict. c. 121, s. 63, p. 37).

this Act, with the exception of the tenth, twelfth (a), and twenty-seventh clauses, shall apply to the river Tweed, or to any fisheries in the said river or the mouth or entrance thereof, as defined by "The Tweed Fisheries Amendment Act 1859;" and any penalties incurred under the said tenth, twelfth, and twenty-seventh clauses of this Act shall, so far as concerns the river Tweed, be recoverable in manner prescribed by the "Tweed Fisheries Amendment Act 1857," which Act, and the "Tweed Fisheries Amendment Act 1859" (b), shall remain in full force and effect, anything herein contained to the contrary notwithstanding.

SALMON FISHERIES (SCOTLAND) CONTINUANCE.

26 & 27 VICT. c. 50.

An Act to continue the Powers of the Commissioners under the Salmon Fisheries (Scotland) Act until the First Day of January one thousand eight hundred and sixty-five, and to amend the said Act.—[13th July, 1863]

25 & 26 Vict. c. 97.—Whereas an Act was passed in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, intituled "An Act to regulate and amend the law respecting the Salmon Fisheries of Scotland;" and in the sixteenth section thereof it is enacted, that "the Commissioners shall on or before the first day of January one thousand eight hundred and sixty-four" determine certain matters by byelaws, and report the same to the Secretary of State; and it is expedient that the time so limited should be extended, and that the said Act should be amended: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Extension of Time for making, &c. Byelaws.*—The said commissioners shall determine the said matters specified in the said sixteenth section, by byelaws under their hands or the hands of any two of them, and shall report the same to the Secretary of State on or before the first day of January one thousand eight hundred and sixty-five (c).

2. *Notice to be given for calling First Meeting of District Boards.*—The provision in the eighteenth section of the recited

(a) "Fifteenth." See 26 & 27 Vict. c. 50, s. 4, p. 114.

(b) See p. 53.

(c) Extended to 1st January, 1867, by 28 & 29 Vict. c. 119.

Act that "the sheriff shall thereafter summon the first meeting of such board for such day and such place as he may fix" is hereby repealed; and on the time and place of the first meeting of the district board being fixed as provided by the twenty-second section of the recited Act, and intimated to the sheriff clerk, he shall give notice of such meeting as therein provided; and such first meeting may be held at any time within twenty-one days after the first election of the district board under the recited Act, anything therein contained to the contrary notwithstanding.

3. *As to reading of sect. 33 of recited Act.*—The thirty-third section of the recited Act shall be read and construed as if the words "Public General Act, Twenty-fourth and Twenty-fifth Victoria, Chapter One hundred and nine," had been inserted therein instead of the words "said Act."

4. *Power to Commissioners to Extend the Limits of the Mouth of the river Tweed—As to Application of certain Rates or Assessments.*—It shall be lawful for the said commissioners, on or before the first day of January one thousand eight hundred and sixty-four, by a byelaw under their hands, or the hands of any two of them, to be made, published, and approved in the manner provided in the fifteenth section of the recited Act, to extend the limits of the mouth or entrance of the river Tweed northwards from the limits thereof as defined in "The Tweed Fisheries Amendment Act 1859" (a), along the sea coast and into the sea to such points and to such extent as they may fix (b); and from and after the publication of such byelaw in the "Edinburgh Gazette," and in such further mode as the Secretary of State may direct, the enactments and provisions of "The Tweed Fisheries Act 1857," (with the exception of the fifty-fifth and sixtieth sections,) and of "The Tweed Fisheries Amendment Act 1859," and the tenth, twelfth, and twenty-seventh sections of the recited Act, shall be applicable to and may be enforced within such extended limits in the same manner and to the same effect as if such extended limits had been included in the mouth or entrance of the river Tweed as defined in "The Tweed Fisheries Amendment Act 1859:" provided, that the rates or assessments to be levied on and in respect of the fisheries beyond the limits of the mouth of the river Tweed, as defined in "The Tweed Fisheries Amendment Act 1859," and within the limits as extended under any such byelaw as aforesaid, shall not be applied in or towards the payment or discharge of any debts or obligations contracted by the commissioners acting under "The Tweed Fisheries Act 1857" (c), previous to the passing of this Act.

(a) See note p. 53.

(b) See Byelaw p. 160.

SALMON FISHERIES (SCOTLAND) AMENDMENT.

27 & 28 VICT. c. 118

An Act to amend the Acts relating to Salmon Fisheries in Scotland.—[29th July, 1864.]

25 & 26 Vict. c. 97—26 & 27 Vict. c. 50.—Whereas an Act was passed in the twenty-fifth and twenty-sixth years of the reign of Her Majesty Queen Victoria, intituled “An Act to regulate and amend the Law respecting the Salmon Fisheries of Scotland;” and another Act was passed in the twenty-sixth and twenty-seventh years of the reign of Her Majesty Queen Victoria, intituled “An Act to continue the Powers of the Commissioners under the Salmon Fisheries (Scotland) Act until the First Day of January one thousand eight hundred and sixty-five, and to amend the said Act:” and whereas by the first recited Act provision was made for determining by byelaws certain matters on or before the first day of January one thousand eight hundred and sixty-three, and certain other matters on or before the first day of January one thousand eight hundred and sixty-four, and for reporting the same to the Secretary of State; and by the second-recited Act the time for determining and reporting on certain of such matters was continued till the first day of January one thousand eight hundred and sixty-five; and it is expedient that the times so limited should be extended, and that the said two recited Acts should be amended: Be it enacted by the Queen’s most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Time for making certain Byelaws extended.*—The said commissioners shall and may, on or before the first day of January one thousand eight hundred and sixty-six (a), determine the matters specified and referred to in the sixth, fifteenth, and sixteenth sections of the first-recited Act, and the first section of the second-recited Act, respectively, by byelaws under their hands or the hands of any two of them, in manner prescribed by the first recited Act, and the whole enactments and provisions of the first-recited Act with respect to the transmission, publication, and confirmation of byelaws shall be applicable to the byelaws to be made by the said commissioners during the period above specified.

2. *Power to Secretary of State to Confirm Byelaws.*—It shall be lawful for the Home Secretary to confirm any byelaws made under the provisions of the recited Acts, notwithstanding the

(a) Extended to 1st January, 1867, by 28 & 29 Vict. c. 119.

period therein prescribed for such confirmation may have elapsed at any period prior to the first day of January, one thousand eight hundred and sixty-five.

3. *In Cases where District Boards have not been constituted Commissioners, on Requisition, may re-issue a Byelaw.*—In any case where a district board has not been constituted, under the provisions of the first-recited Act, previous to the passing of this Act the commissioners may, on the requisition of any proprietor of salmon fisheries within such district, re-issue a byelaw constituting the district; and the commissioners, sheriff, and sheriff clerk shall thereupon take all the proceedings prescribed by the first-recited Act, with respect to the formation of district boards; and such boards, when so formed, shall have all the powers and authorities conferred on or competent to any district board under the recited Acts or either of them.

4. *Provision where no District Board has been formed.*—And whereas by the sixteenth section (a) of the first-recited Act it is provided, that, previously to making byelaws, the commissioners shall communicate the same to the district board, and afford the board reasonable opportunity of making any representation to the commissioners regarding the same: be it enacted, that the commissioners may, in all cases in which no district board has been formed, make byelaws in regard to the whole matters and things specified and referred to in the sixth (b) and sixteenth sections of the first-recited Act; and, on compliance with the whole other provisions of the said sixteenth section, the Secretary of State may approve, alter, or disapprove of such byelaws, and the same, as altered or approved of by him, shall be as legal and binding on all concerned as if they had been previously communicated to a district board.

5. *This and recited Acts to be one.*—This Act shall be read and construed along with the recited Acts as if the same formed one Act.

(a) See p. 107.

(b) See p. 102.

BYELAWS IN FORCE BY VIRTUE OF THE SALMON FISHERY ACTS FOR SCOTLAND.

BYELAW.

25th and 26th Vict. cap. 97.

26th and 27th Vict. cap. 50.

27th and 28th Vict. cap. 118.

"Acts to regulate and amend the law respecting the Salmon Fisheries of Scotland."

We, the commissioners appointed under the said Acts, and empowered thereby "to fix for the purposes of this [the first-recited] Act the limits of every district, and the portions of the sea coast adjoining to the mouth or estuary of any river to be included in such district"—and "to fix for the purposes of this [the first-recited] Act a point on each river (including the estuary thereof) below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors"—do hereby fix and determine—

- 1st. That the limits of the district of the river Add shall be—on the north, Craignish Point; on the south, Knap Point; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.
- 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be 600 yards below the junction of the Burn which runs by Dreamore Steading, known as Ruddell Burn; the distance to be measured along the course of the Add river.

Given under our hands, this 24th day of December, 1862.

| | |
|------------------|------------------|
| WM. J. FFENNELL, | } Commissioners. |
| FRED. EDEN, | |
| JAMES LESLIE. | |

Fisheries Department, Home Office.

Approved,
G. GREY.

Whitehall, 30th January, 1863.

(This byelaw took effect from the 10th day of February, 1863.) (a)

The same byelaw applies to the several districts, according to the limits, and took effect from the dates under-mentioned, respectively.

(a) This being the date of publication in the *Edinburgh Gazette*, *passim*.

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
|---------------------|--|-------------------------------------|
| <i>Aline</i> | <p>1st. That the limits of the district of the river Aline shall be—on the west, the east end of Fuenary Island ; on the east, Barony Point ; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge at the castle.</p> | Feb. 10, 1863. |
| <i>Alness</i> | <p>1st. That the limits of the district of the river Alness shall be—a line to be drawn south from the left bank of the mouth of the Aultgraad river to the centre of the Firth at high water, and along the centre of the Firth as far as Invergordon Ferry, and continued thence by a straight line to the ferry landing-place at Majick Point ; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from Munro of Movar's ice-house on the west bank of the river to Dalmore distillery chimney on the east side of the river.</p> | Feb. 10, 1863. |
| <i>Annan</i> | <p>1st. That the limits of the district of the river Annan shall be—on the west, a line drawn due south (true) from the easternmost end of East Park Farm, sea bank ; on the east, the west bank or side of the Water Sark ; and that</p> | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
|-------------------------------------|---|---|
| <i>Annan</i> —(cont.) | <p>the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the dyke or mill-dam immediately below the bridge of the public road from Dumfries to Annan.</p> | |
| <i>Applecross</i> ... | <p>1st. That the limits of the district of the river Applecross shall be—on the north, Ru-na-Uag Point, at or near the mouth of Loch Torridon; on the south, Skier Vore Point; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the east gable of the manse on the right side of the river Applecross to the corner next the sea of the Dyke Slit on the left bank enclosing Fuilein Park.</p> | Feb. 10, 1863. |
| <i>Arnisdale</i> (in Loch Hourn) | <p>1st. That the limits of the district of the river Arnisdale (in Loch Hourn) shall be—on the north, a line drawn due east from the north end of Sandag Island; on the south, Aird-na-Slishnich Point; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall</p> | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Arnisdale</i> (in Loch Hourn) —(cont.) | be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the Stepping Stones seventy yards above the foot bridge at Cromarty village. | Feb. 10, 1863. |
| <i>Awe</i> | <p>1st. That the limits of the district of the river Awe shall be—on the north point, Appin Ferry, including the east shore of Lismore Island; on the south, Craignish Point, excepting Loch Crinan, the loch to be defined by a line drawn from the southernmost point of the main- land immediately north of Enska Island, and continued along the outer face of that island to the projecting point of the mainland nearest to the south-west point of the said island, and excepting the portions of the sea coast and estuary, and river contained be- tween Minard Point and the bridge from the mainland over Siel Sound to Siel Island; the Awe district to include all the islands within the said limits south of Lismore Island, east of the Island of Mull and north of Jura; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn at right angles with and across the river from the ice house immediately above the house in the occupation of Mr. David Baird, at present tacksman of the Awe fish- ings.</p> | |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
|-------------------------|--|---|
| <i>Aylort</i> (Kinloch) | <p>1st. That the limits of the district of the river Aylort (Kinloch) shall be—on the north, Ru-Arasaig ; on the south, Ru-Smersiri ; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. that the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the burn on the left bank of the Aylort next below the bridge opposite Kinloch Aylort Inn.</p> | Feb. 10, 1863. |
| <i>Ayr</i> | <p>1st. That the limits of the district of the river Ayr shall be—on the north, the lighthouse on the point of Troon harbour ; on the south, a line drawn due west from Seafeld House ; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the lower dyke or dam at Ayr Mills.</p> | Feb. 10, 1863. |
| <i>Balgay</i> | <p>1st. That the limits of the district of the river Balgay shall be—On the east, the mouth of burn at Camushole, near the south-east corner of Upper Loch Torridon ; on the west, Ru na Uag Point, at or near the mouth of Lower Loch Torridon ; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall</p> | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Balgay</i> (cont.) | be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be 140 yards below the foot bridge on the path from Shieldag to Torridon. | May 23, 1865. |
| <i>Baa and Glen-coilleadar</i> ... | <p>1st. That the limits of the district of the rivers Baa and Glencoilleadar shall be—Ardmore Point at the north-west entrance of the sound of Mull on the north; Fidden Point in the sound of Iona on the south, including Coll Tiree and other islands lying to the west of the coast between those two points; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—Baa, ford at Saw Mill and Water Wheel on the right bank, being the nearest mill to the mouth of the river; Glencoilleadar, bridge of road from Craignure to Bunessan.</p> | |
| <i>Beau'y</i> | <p>1st. The limits of the district of the river Beau'y shall be—a straight line drawn from the north pier to the south pier of Kessock Ferry; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge on the public road from Inverness to Beau'y, commonly called Beau'y Bridge.</p> | Feb. 10, 1863 |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors | Date from which Byelaw took effect |
|---|---|--|
| <i>Badachro and Kerry in Gairloch</i> | <p>1st. That the limits of the district of the rivers Badachro and Kerry in Gairloch shall be—on the north, Ru Bane, on the south, Ru Ruag; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, on the river Badachro, the rapid 80 yards above the herring store on the left bank of the river; 2nd, on the river Kerry, the site of the Old Foot Bridge at the mouth of the river.</p> | Oct. 9, 1863. |
| <i>Bladenoch</i> | <p>1st. That the limits of the district of the river Bladenoch shall be—on the west, Gillespie River; on the east, Bishop's Burn; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be 400 yards below the dyke of Bladenoch Distillery.</p> | Feb. 10, 1863. |
| <i>Berriedale</i> | <p>1st. That the limits of the district of the river Berriedale shall be—on the south, the boundary of the counties of Sutherland and Caithness; and on the north, a line drawn south-east from Dunbeath Castle; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Berrisdale</i> (cont.) | 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the row of cottages on the beach on the left bank of the river to the fish smoking house on the right bank. | Feb. 10, 1863. |
| <i>Bervie</i> | 1st. That the limits of the district of the river Bervie shall be—on the north the boundary between the parishes of Dunnottar and Kineff; on the south the boundary between the parishes of Bervie and Benholm; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points. 2nd. That the points below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the cruipe dyke next the mouth of the river. | |
| <i>Broom</i> | 1st. That the limits of the district of the river Broom shall be—on the north, the boundary between that portion of the county of Cromarty and of the county of Ross; and on the south, Cailleach Head; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points. 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn between Loch Broom Kirk on the left bank and the school house on the right bank of the river. | Feb. 10, 1863 |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Brora</i> | <p>1st. That the limits of the district of the river Brora shall be—on the south, Strathsteven Point; on the north, Crackaig Point; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge on the road from Golspie to Wick.</p> | Oct. 9, 1863. |
| <i>Carradale</i> (in Cantyre) | <p>1st. That the limits of the district of the river Carradale in Cantyre, shall be—Skipness Point on the north; Mull of Cantyre on the south, including Davar and Sanda Ielands, and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors and above which the proprietors of fisheries shall be upper proprietors shall be—remains of bridge on old road between Skipness and Cambeltown.</p> | Nov. 24, 1865. |
| <i>Carron</i> | <p>1st. That the limits of the district of the river Carron shall be—on the north, the Aird; on the south, Kyle Akin Ferry; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the bridge</p> | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Carron</i> (cont.) | over Beachan Water, on the public road from Jeantoun to Dingwall to the west end of Achintee village. | Feb. 10, 1863. |
| <i>Clyde and Leven</i> | <p>1st. That the limits of the district of the rivers Clyde and Leven shall be—on the north, Stone Point at the north end of Holy Loch; and on the south, Fairlie Head; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, on the Clyde, the dam or dyke of the Glasgow Waterworks, and on the Leven, a line drawn at right angles with the river from the Tail Lade of Dalkuilm dye-works.</p> | |
| <i>Conon</i> | <p>1st. That the limits of the district of the river Conon shall be—on the north, Tarbet Ness; on the south, West Sutor Point, excepting that portion of the north side of the Cromarty Firth contained within a line drawn south from the left bank of the mouth of the Aultgraad river to the centre of the Firth at high water, and along the centre of the Firth as far as Invergordon, and continued thence by a straight line to the ferry landing-place at Majick Point; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above</p> | Feb. 10, 1863 |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect |
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| <i>Conan</i> (cont.) | which the proprietors of fisheries shall be upper proprietors, shall be the bridge (commonly called Conan Bridge) of the public road from Inverness to Dingwall. | Feb. 10, 1863. |
| <i>Cree</i> | <p>1st. That the limits of the district of the river Cree shall be—on the west, Bishop's Burn; on the east, the point south of Moosyard called Ringdow Points; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the Castle of Machermore, in the occupation of James Kinna, Esq., on the left bank, to Corvish House, in feu to Mrs. M'Kirlie, on the right bank.</p> | |
| <i>Creed or Stornoway and Laxay</i> | <p>1st. That the limits of the district of the rivers Creed or Stornoway and Laxay shall be—Chumpan or Tiumpman Head on the north, to boundary between Lewis and Harris on the south; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—Creed, the fall opposite Sir James Matheson's Grotto on the left bank of the river about eighty yards above the place where the high water channel is divided into two by a rocky island; Laxay, rock called Fellow Rock, Man Rock or Cruich-a-dhuinne.</p> | May 2, 1865. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Creran</i> | <p>1st. That the limits of the district of the river Creran shall be—a line drawn from the southernmost point of the mainland immediately north of Eriaka Island, and continued along the outer face of that island to the projecting point of the mainland nearest to the south-west point of the said island; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the ford a little above Clark's farmhouse of Glasdrum.</p> | Dec. 2, 1864. |
| <i>Crome and Shiel</i> (Loch Duich). | <p>1st. That the limits of the district of the rivers Crome and Shiel shall be—on the north, Eillean Donan Castle; on the south, Kyle Rhea Ferry; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—on the Crome, 450 yards, measured down the course of the Crome from the bridge over the said river of the public road from Shiel to Dornie ferry; and on the Shiel 200 yards measured down the course of the Shiel from the bridge over the said river of the public road from Kyle Rhea to Dornie ferry.</p> | Feb. 10, 1863. |
| <i>Dee</i> (Aberdeen-shire). | 1st. That the limits of the district of the river Dee (Aberdeenshire) | Feb. 10, 1863. |

| Names of Rivers | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Dee</i> (Aberdeen- shire) (cont.) | <p>shall be — on the north, the March Stone heretofore placed for the purpose of dividing the coast fishings of the Dee and the Don rivers; and on the south, the boundary between the parishes of Dunnottar and Kineff; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the boundary between Pot and Ford fishings and the Poldown fishings, to the boundary between the Pot and Ford fishings and the Ruthrieston fishings.</p> | Feb. 10, 1863. |
| <i>Dee</i> (Kirkcud- bright) | <p>1st. That the limits of the district of the river Dee (Kirkcudbright) shall be—on the west, a straight line drawn from the summit of Bar Hill to the most northernly point of Barlocco Island, and continued through the isle on the East Aird Point; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the fishing house on the left bank of the river to the north end of Aslton Villa, the property of Murray Stewart, Esq., and in feu to James Knoworthy, Esq.</p> | |
| <i>Deveron</i> | <p>1st. That the limits of the district of the river Deveron shall be—</p> | |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Deveron (cont.)</i> | <p>on the west, Cowhyth Point ; on the east, Cairnbulg Point ; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the fall immediately below the island below Kickside.</p> | |
| <i>Don</i> | <p>1st. That the limits of the district of the river Don shall be—on the north, the northern boundary of the fishings of Menie ; and on the south, the March Stone heretofore placed for the purpose of dividing the coast fishing of the Dee and Don rivers ; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn at right angles with the river from the outlet of the tail lade of the mill on the left bank, immediately below Seaton House.</p> | May 1, 1863. |
| <i>Doon</i> | <p>1st. That the limits of the district of the river Doon shall be—on the north, a line drawn due west from Seafeld House ; on the south, Turnberry Castle Point ; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall</p> | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Doon</i> (cont.) | be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the dyke or milldam next the mouth of the river. | Feb. 10, 1863. |
| <i>Dunbeath</i> | <p>1st. That the limits of the district of the river Dunbeath shall be—on the south, a line drawn south-east from Dunbeath Castle ; and on the north, Ulbster Head ; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a point of 120 yards above line to be drawn from the fish smoking house on the right bank to the Cross Fence dyke opposite to the said fish smoking house, and running at right angles with the river, on the left bank of the said river.</p> | |
| <i>Eckaig</i> | <p>1st. That the limits of the district of the river Eckraig shall be—on the north, Strone Point at the north end of Holy Loch, and on the south, Strone Point in the Kyles of Bute ; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge on the high road from Dunoon to Kilmun.</p> | Feb. 10, 1863. |
| <i>North Esk</i> | 1st. That the limits of the district of the river North Esk shall be—on the north, the boundary | |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>North Esk</i> (cont.) | <p>between the parishes of Bervie and Benholm; on the south, the March between the properties of Montrose and Charlton; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn across the ford above Fluke Hole, from the east end of the land embankment on the right side of the river, to the pigeon house under Kirk-side plantation, on the left side of the river.</p> | |
| <i>South Esk.....</i> | <p>1st. That the limits of the district of the river South Esk shall be — on the north, the March between the properties of Montrose and of Charlton; on the south Red Head; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge of Dan.</p> | Feb. 10, 1863. |
| <i>Ewe</i> | <p>1st. That the limits of the district of the river Ewe shall be—on the north, Greenstone Point; on the south, Ru Bane, opposite the north end of Longa Island; and that the districts shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall</p> | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Ewe</i> (cont.) | be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge of the public road from Aultbea to Pool Ewe. | Feb. 10, 1863. |
| <i>Findhorn</i> | <p>1st. That the limits of the district of the river Findhorn shall be—on the west, a line drawn due north-west (true) from the summit of Macbeth's Hillock, and on the east, the ditch known as Cooper's Ditch, being the boundary between the properties of Lady Dunbar Brander, and Sir Alexander Gordon Cumming, Bart.; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the chimney of the steam engine of Netherton, of Grange Farm, Steading, to the north end of the Cot House, now in the occupation of the shepherd, Donald McLellan, on Seafeld Farm, and continued across the river.</p> | |
| <i>Fleet</i> (Sutherlandshire) | <p>1st. That the limits of the district of the river Fleet (Sutherlandshire) shall be—on the south, Embo Point; on the north, Strathleven Point; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the mound.</p> | Oct. 9, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Fleet</i> (Kirkcudbright) | <p>1st. That the limits of the district of the river Fleet (Kirkcudbright), shall be—on the west, the point south of Moss Yard, called Ring-dow Point; on the east, a straight line drawn from the summit of Bar Hill to the most northerly point of Barlocco Isle, and continued through the isle; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge of the high road from Castle Douglass to Newton Stewart.</p> | Feb. 10, 1863. |
| <i>Fors</i> | <p>1st. That the limits of the district of the river Fors shall be—on the east, Brims Head; on the west, the boundary between the counties of Caithness and Sutherland; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the north side of the fishing house on the beach, and on the right bank of the river, at right angles with the river.</p> | Feb. 10, 1863. |
| <i>Forth</i> | <p>1st. That the limits of the district of the river Forth shall be—on the north, Fife Ness; on the south, the boundary between the counties of Haddington and of Berwick; and that the district</p> | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Forth</i> (cont.) | <p>shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, on the Forth, the Craigforth cruive dyke, and on the Allan, the Scottish Central Railway Bridge.</p> | Feb. 10, 1863. |
| <i>Fyne</i> (Loch) ... | <p>1st. That the limits of the district of Loch Fyne shall be—on the east, Ardlamont Point; on the west, Skipness Castle Point; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge of the public road from Inverary running round the head of Loch Fyne over the river Aray, Shira, and Fyne.</p> | |
| <i>Girvan</i> | <p>1st. That the limits of the district of the river Girvan shall be—on the north, Turnberry Castle Point; on the south Bennane Head; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be 100 yards below the bridge on the high road from Ayr to Girvan.</p> | Feb. 10, 1863. |

| Names of Rivers | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Glenelg</i> | <p>1st. That the limits of the district of the river Glenelg shall be—on the north, Kyle Rhea Ferry; on the south, a line drawn due east from the north end of Sandag Island; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the stepping-stones across the river from Kifkton on the left bank to Galder on the right bank.</p> | Feb. 10, 1863. |
| <i>Gour</i> | <p>1st. That the limits of the district of the river Gour shall be—on the north, the landing place at Corran Ferry; and, on the south, a point two statute miles to the southward of the river Gour; the distance to be measured along the coast at high-water mark from the easternmost point of the south bank of the said river's mouth; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be Sallachan Bridge.</p> | Feb. 10, 1863. |
| <i>Greiss</i> (Laxdale and Tong or Thunga). | <p>1st. That the limits of the district of the river Greiss shall be Butt of Lewis on the north; Chumpan or Tiumpun Head on the south; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> | May 2, 1865. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Greiss (Laxdale and Tong or Thunga) (cont.)</i> | <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be Greiss Stone Wall on left bank running north and south a little to the eastward of Greiss Shepherd's House, and extending down to the river.</p> <p>Laxdale—Line due south from Giarraidh Scoir.</p> <p>Tong or Thunga—Ford of Sands Road which passes Manse.</p> | Oct. 9, 1863. |
| <i>Grudie or Dionard.</i> | <p>1st. That the limits of the district of the river Grudie or Dionard shall be—on the east, Cave of Smoo; on the west, Cape Wrath; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the site of the old cruives above Rocky Island.</p> | |
| <i>Gruinard and Little Gruinard.</i> | <p>1st. That the limits of the district of the rivers Gruinard and Little Gruinard shall be—on the east, Static Point; on the west, Greenstone Point; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the lodge in the occupancy of Major Duff, at right angles with the river.</p> | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Halladale</i> | <p>1st. That the limits of the district of the river Halladale shall be—on the east, the boundary between the counties of Caithness and Sutherland; on the west, Rhu-na-Claich; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the ferry on the road from Thurso to Tongue.</p> | Oct. 9, 1863. |
| <i>Helmsdale</i> | <p>1st. That the limits of the district of the river Helmsdale shall be—on the south, Crackaig Point; on the north, boundary between the counties of Caithness and Sutherland; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the west dyke of the burying ground at Helmsdale to the cross dyke opposite.</p> | Oct. 9, 1863. |
| <i>Hope and Polla, or Strathbeg.</i> | <p>1st. That the limits of the district of the rivers Hope and Polla, or Strathbeg, shall be—on the east, Strone-na-damf; on the west, Cave of Smoo; and that the district shall consist of the portions of the sea coast and the estuary, and the rivers, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall</p> | Oct. 9, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Hops and Polla,</i> or <i>Strathbeg</i> (cont.) | be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, for the Hops, the bottom of "Great Hill Pool," 48 yards below the old cruives; and for the river Polla, the bridge of the road from Tongue to Durness. | Oct. 9, 1863. |
| <i>Inchard</i> | 1st. That the limits of the district of the river Inchard shall be— on the north, Cape Wrath; on the south, Ardmore Point; and that the district shall consist of the portions of the sea coast and the estuary, and the river, con- tained between the said points. 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the cruive below bridge of public road from Durness to Scourie. | |
| <i>Inner</i> (in Jura) | 1st. That the limits of the district of the river Inner, in Jura, shall be—the whole coast of the Islands of Jura and Scarba, with the rocks and islets adjoining thereto. 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—end of wall extending to right bank of river from Keepers' House. | Nov. 24, 1865. |
| <i>Inver</i> | 1st. That the limits of the district of the river Inver shall be—on the north, Stoerhead; on the south, Kirkaig Point; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points. 2nd. That the point below which the proprietors of fisheries shall | Oct. 9, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Inver</i> (cont.)... | be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge on the road from Inver to Lairg. | Nov. 24, 1865. |
| <i>Iorsa</i> (in Arran) | 1st. That the limits of the district of the river Iorsa, in Arran, shall be—the whole coast of the Island of Arran, including Pladda and Lamlash or Holy Island. 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—bridge below Iorsa Cottage. | |
| <i>Irvine and Garnoch.</i> | 1st. That the limits of the district of the rivers Irvine and Garnoch shall be—on the north, Fairlee Head; on the south, the Lighthouse on the point of Troon Harbour; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points. 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be Fullerton Bridge on the Irvine, and the bridge of the Glasgow and South-western Railway on the Garnoch. | Feb. 10, 1863. |
| <i>Kennart</i> | 1st. That the limits of the district of the river Kennart shall be—on the north, Ru Dunan Point; on the south, a line drawn from the south-east point of Isle Martin to Ardmain Point; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points. | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Kennart</i> (cont.) | 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge of the high road from Inver to Ullapool. | |
| <i>Kinloch</i> (Kyle of Tongue). | 1st. That the limits of the district of the river Kinloch (Kyle of Tongue) shall be—on the east, Port Lamigoe; on the west, Strone-na-damf; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points. 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be Stepping Stones above Kinloch Farm House. | Oct. 9, 1863. |
| <i>Kilchoan or Inverie</i> (Loch Nevis). | 1st. That the limits of the district of the river Kilchoan or Inverie (Loch Nevis) shall be—on the north, Ardna Slischnich Point; on the south, Maleg Rocks; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points. 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn at right angles with the river, from the end nearest the river of the Dyke next below Kilchoan House. | Feb. 10, 1863. |
| <i>Kirkaig</i> | 1st. That the limits of the district of the river Kirkaig shall be—on the north, Kirkaig Point; on the south, the Dunan Point; and that the district shall consist of the portions of the sea coast and | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Kirkaig</i> (cont.) | the estuary, and the river, contained between the said points. 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the head of the pool below the old cruives known as the Craighford Pool. | |
| <i>Kishorn</i> | 1st. That the limits of the district of the river Kishorn shall be—on the north, Skeir Vore; and on the south, the Aird; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points. 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge of the public road from Jeantoun to Applecross. | Feb. 10, 1863. |
| <i>Kyle of Sutherland</i> <i>land.</i> | 1st. That the limits of the district of the Kyle of Sutherland shall be—on the east, Tarbert Ness; on the west, Embo Point; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points. 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—on the Oykill, the end next the rim of the cross dyke at the west end of the Castlehaugh situated at side of public road from Lairg to Oykill Bridge; on the Cassily, the end next the run of the cross dyke on the left bank of the Cassily next to its junction with the Oykill; on the Shin, | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Kyle of Sutherland</i> (cont.) | the upper end of the garden pool; on the Carron, a line drawn from Balnagowan fishing-house on the right bank to the chimney of the steam-engine of the farm of Never Carron on the left side of the river. | |
| <i>Laggan</i> (in Islay). | 1st. That the limits of the district of the river Laggan, in Islay, shall be—whole coast of the islands of Islay, Colonsay, and Oronsay, with the rocks and islets immediately adjoining thereto. 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—Laggan, corner of wall with field gate on the right bank at first bend from river mouth; Sorn, fence of Islay House grounds. | Nov. 24, 1865. |
| <i>Laxford</i> | 1st. That the limits of the district of the river Laxford shall be—on the north, Ardmore Point; on the south, Stoerhead: and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points. 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge on the road from Durness to Scourie. | Oct. 9, 1863. |
| <i>Leven</i> | 1st. That the limits of the district of the river Leven shall be—on the north, the landing-place on the Inverness-shire shore of Corran Ferry; on the south, the projecting point north-west of Ardsheal House; and that the district shall consist of the portions of the sea coast and the | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Leven (cont.)</i> | <p>estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be 150 yards below the Boine Burn on the right bank of the river, the distance to be measured down the course of the river.</p> | |
| <i>Little Broom...</i> | <p>1st. That the limits of the district of the river Little Broom shall be — on the north, Cailleach Head; on the south, Statie Point; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn due north-east from the saw-mill, the property of Hugh Mackenzie, of Dundonnell, Esquire.</p> | Oct. 9, 1863. |
| <i>Lochy</i> | <p>1st. That the limits of the district of the river Lochy shall be—on the west, Barony Point; on the east, Port Appin Ferry, including the west coast of Lismore, excepting those portions of the coast and estuary and rivers which lie between a point two statute miles to the northward of the mouth of the river Scaddle, the distance to be measured by a line drawn along the shore at high-water mark from the most southerly point on the left bank of the mouth of the said river, and the March Burn forming the boundary between the properties of Ardgour and</p> | Oct. 6, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Locky (cont.)</i> | Kingairloch, and excepting the portions of the sea coast and estuary and river which lie between the landing-place on the Inverness shore of Corran Ferry and the projecting point north-west of Ardsheal House; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points. | Feb. 10, 1863. |
| <i>Loch Long (Luingi and Elchaig).</i> | <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be one quarter of a mile above the suspension-bridge on the public road from Bannavie to Fort William, the distance to be measured along the course of the river.</p> <p>1st. That the limits of the district of Loch Long (Luingi and Elchaig) shall be—on the west, Kyle Akin Ferry; on the east, Eilean Donan Castle, together with that portion of the island of Skye which lies between Kyle Akin and Kyle Rhea Ferries; and that the district shall consist of the portions of the sea coast and the estuary, and the rivers, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn at right angles with the river immediately below the junction of the Luingi and Elchaig.</p> | |
| <i>Loch Roag (Lewis), rivers Blackwater, Grimersta, & Morsgail.</i> | <p>1st. That the limits of the district of Loch Roag (Lewis), rivers Blackwater, Grimersta, and Morsgail, shall be — Butt of Lewis on the north-east to Gobnah Airde Moire on the Ordnance map,</p> | May 2, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Loch Roag, &c.</i> (cont.) | <p>called Ru-a-Chruidh on the Admiralty Chart, on the south-west; and that the district shall consist of the portions of the sea coast and the estuary, and the rivers, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, Blackwater, lowest bridge, namely, that of public road from Stornoway to Uig; Grimersta, cruipe below lowest bridge, namely, that of public road from Stornoway to Uig; Moragail, lowest bridge, namely, that of public road from Stornoway to Uig.</p> | Feb. 10, 1863. |
| <i>Luce</i> | <p>1st. That the limits of the district of the river Luce shall be—on the west, the Lighthouse on the Mull of Galloway; and on the east, Gillespie river; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the point of the Bent of Balcarrie, the property of Sir John Dalrymple Hay, Bart., to the cottage in the occupation of John Baillie, of the island, also the property of the said Sir John Dalrymple Hay.</p> | |
| <i>Lossie</i> | <p>1st. That the limits of the district of the river Lossie shall be—on the west, the ditch known as Cooper's Ditch, being the boun-</p> | |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Loessie (cont.)</i> | <p>dary between the properties of Lady Dunbar Brander and Sir Alexander Gordon Cumming, Bart.; and on the east, a line, drawn due north (true) from the west end of the Bent Hills on the right bank of the said river Loessie; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the Ford on the old road from Loessie-Mouth to Garmonth.</p> | |
| <i>Lussa (Mull), and river from Loch Uisk to Loch Buy.</i> | <p>1st. That the limits of the district of the river Lussa (Mull) and river from Loch Uisk to Loch Buy shall be—Duart Castle, at the south-east; entrance of the Sound of Mull, on the north-east; Fiddien in the Sound of Iona, including Earraid Island on the south-west; and that the district shall consist of the portions of the sea coast and the estuary, and the rivers, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—Lussa, junction of the first stream from the left bank down from the bridge of the public road over the Lussa to Loch Buy, which stream flows through the bridge on the public road between Craignure and Loch Scraidain; river from Loch Uisk into Loch Buy, line of north or north-west side of Moy Castle.</p> | May 23, 1865. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Moidart</i> | <p>1st. That the limits of the district of the river Moidart shall be—a line, drawn in a northerly direction from a point of land or rock on the mainland of the south shore of Loch Moidart, called Stroulinorg, through the centre of the island called Eilean Grucach or Gruachan, thence through that portion of the island of Strona called Stronabeg till it reaches the mainland of the north shore of Loch Moidart; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be 200 yards (to be measured by the course of the river) down stream from the bridge over the Moidart on the road from Moidart to Shiel.</p> | Feb. 10, 1863. |
| <i>Morar</i> | <p>1st. That the limits of the district of the river Morar shall be—on the north, Maleg Rocks; on the south, Ru-Arasaig; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge on the road to Arasaig.</p> | Feb. 10, 1863. |
| <i>Nairn</i> | <p>1st. That the limits of the district of the river Nairn shall be—on the west, a point on the coast two and one half statute miles, to be measured westward in a</p> | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Nairn</i> (cont.) | <p>straight line from the outer end of the West Pier of Nairn Harbour, and on the east a line drawn due north-west (true) from the summit of Macbeth's Hillock; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge of the public road over the Nairn river from Nairn to Forres.</p> | Nov. 27, 1863. |
| <i>Naver and Borgie.</i> | <p>1st. That the limits of the district of the rivers Naver and Borgie shall be—on the east, Armadale Point; on the west, Port Larnigoe; and that the district shall consist of the portions of the sea coast and the estuary, and the rivers, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—for the river Naver, the ferry at the road from Thurso to Tongue; for the river Borgie, the foot-bridge between Torriisdale and Borgie Lone.</p> | |
| <i>Ness</i> | <p>1st. That the limits of the district of the river Ness shall be—on the west, a straight line drawn from the north pier to the south pier of Kessock Ferry; on the east, a point on the coast two and one-half statute miles, to be measured westward in a straight line from the outer end of the west pier of Nairn harbour; and</p> | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Ness</i> (cont.) ... | on the north-west, Sutor Point ; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points. | |
| | 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a straight line drawn at right angles with the river, at the lowest point of the island. | |
| <i>Nell, Feochan, and Euchar</i> (Loch Feo- chan). | 1st. That the limits of the district of the rivers Nell, Feochan, and Euchar shall be—on the north, Minard Point; on the south, the bridge from the mainland over Siel Sound to Jul Island; and that the district shall consist of the portions of the sea coast and the estuary, and the rivers, con- tained between the said points. 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—the rivers Nell and Feochan, the bridge of the public road between Oban and Airdrishaig; and for the river Euchar, an ex- tension of the line of Cross Stone Dyke on left bank of the river, below the Free Church, and a little above Breadalbane fishing- house. | Dec. 2, 1864. |
| <i>Nith</i> | 1st. That the limits of the district of the river Nith shall be—on the west, the most projecting point of land, south-east of Whitehill, between Portling Bay and Portowarren Bay; on the east, a line drawn due south (true) from the easternmost end of East Park Farm, sea bank ; | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Nith</i> (cont.) ... | <p>and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the dyke or milldam next the mouth of the river.</p> | May 2, 1865. |
| <i>Ormsary</i> (Loch Killisport), <i>Loch Head</i> <i>River</i> and <i>Stornaway</i> (Mull). | <p>1st. That the limits of the district of the rivers Ormsary (Loch Killisport), Loch Head River, and Stornaway (Mull) shall be—Knap Point on the north, Mull of Cantyre on the south; and that the district shall consist of the portions of the sea coast and the estuary, and the rivers, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—Ormsary, fall sixty yards below bridge of public road along shore; Loch Head River, upper end of new straight cut or channel on left bank of river, which new cut has been closed up at the ends; Stornaway River, bridge of public road to Lergnahunseon; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> | |
| <i>Pennygown</i> or <i>Glenforsa</i> and <i>Aros</i> . | <p>1st. That the limits of the district of the rivers Pennygown or Glenforsa and Aros shall be—on the east, Duart Castle; and on the west, Ardmore Point at the two extremities of the Sound of Mull; and that the district shall consist of the portions of the sea</p> | May 2, 1865. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Pennygown</i> or <i>Glenforsa</i> and <i>Aros</i> (cont.) | coast and the estuary, and the rivers, contained between the said points. 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—Pennygown, rocky water- fall, about 100 yards above general time of high-water at beach; Aros, bridge of road between Salen and Tobermory. | May 2, 1865. |
| <i>Resort</i> | 1st. That the limits of the district of the river Resort shall be— Gobnah Airde Meire, on the Ordnance map called Ru-a- Chruidh on the Admiralty chart, in Lewis; on the north or east, through the shortest distance between the mainland of Harris to Scarpe Island, and to the most northerly point of that island on the south or west; and that the district shall consist of the por- tions of the sea coast and the estuary, and the river, contained between the said points. 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the mouth of stream in Harris, immediately below Mr. Milbank's cottage. | |
| <i>Ruel</i> or <i>Daruel</i> | 1st. That the limits of the district of the river Ruel or Daruel shall be—on the west, Ardlamont Point; on the east, Strone Point, in the Kyles of Bute; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points. 2nd. That the point below which the proprietors of fisheries shall | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Ruel or Daruel</i> (cont.) | be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the head of the island, in Goshen, Ferninach Field, on the Farm of Loch Head, the property of Mrs. Campbell, Ormidale House. | |
| <i>Sanda</i> | <p>1st. That the limits of the district of the river Sanda shall be—on the north, a point two statute miles to the southward of the mouth of the river Gour, the distance to be measured along the coast at high-water mark from the easternmost point of the south bank of the said river's mouth; and on the south the March Burn forming the boundary between the properties of Ardgour and Kingairloch; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a straight line drawn from a rock known as the Sanda Rock to the Smearing House, which is 70 yards below the Stepping Stone, in the Ford below the Farmhouse of Inversanda.</p> | July 17, 1863. |
| <i>Scaddle</i> | <p>1st. That the limits of the district of the river Scaddle shall be—on the north, a point two statute miles to the northward of the mouth of the river Scaddle, the distance to be measured by a straight line from the most southerly point on the left bank of the mouth of the river, and on the south—the landing-place on the Argyllshire Shore</p> | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Scaddie</i> (cont.) | <p>of Corran Ferry; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge on the public road from Inverscaddie to Corran Ferry.</p> | |
| <i>Shiel</i> (Loch Shiel). | <p>1st. That the limits of the district of the river Shiel, Loch Shiel, shall be—on the north Ru Smirairi, and on the south Stron Beg in the Sound of Mull, excepting that portion of the coast and estuary, and river, contained within a line drawn in a northerly direction from a point of land or rock on the mainland on the south shore of Loch Moidart called Stroulinorg, through the centre of the island, called Eilean Gracach, thence through that portion of the island of Strona called Stronabeg till it reaches the mainland of the north shore of Loch Moidart; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the site of the cruives.</p> | Feb. 10, 1863. |
| <i>Sligachan, Broadford, and Portree.</i> | <p>1st. That the limits of the district of the rivers Sligachan, Broadford, and Portree, shall be—south coast included between Bu Ard de Cheolan, or Aird Peint, on north to Sleat Point on</p> | May 2, 1865. |

| Names of Rivers | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Sligachan, Broadford, and Portree</i> (cont.) | south; and that the district shall consist of the portions of the sea coast and the estuary, and the rivers, contained between the said points. 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, Sligachan, Forrester's House, at Mound, on left bank of the river; Broadford, Mr. Mackinnon's, Shepherd's House; Portree, Foot Bridge to Bentmore Farm. | |
| <i>Snizort, Orley, Oze (Loch Bracadale), and Drynoch (Loch Har- port).</i> | 1st. That the limits of the district of the rivers Snizort, Orley, Oze (Loch Bracadale), and Drynoch (Loch Harport) shall be—west coast included between Ru Ard de Cheolan, or Aird Point, on north; Sleat Point, on south; and that the district shall consist of the portions of the sea coast and the estuary, and the rivers, contained between the said points. 2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, Snizort, at the Rocky Fall at Meal Mill, on right bank; Orley, bridge of public road near Caroy Inn, on map; Oze, Upper End of Old Yairs; Drynoch, Head of Loch Harport, bridge of public road, Dunvegan to Sligachan. | May 23, 1865. |
| <i>Spey</i> | 1st. That the limits of the district of the river Spey shall be—on the west, a line drawn due north (true) from the west end of the Bent Hills on the right bank of the river Lossie, and on the East Cowhyth Head; and that the district shall consist of the portions of the sea coast and the | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Spey</i> (cont.) ... | <p>estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the gas-works chimney at Garmouth to Flood farmhouse, in the occupation of Adam Robertson, and the property of the Duke of Richmond.</p> | Feb. 10, 1863. |
| <i>Stinchar</i> | <p>1st. That the limits of the district of the river Stinchar shall be—on the north, Bennane Head; on the south, the lighthouse on the Mull of Galloway; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be 200 yards below the bridge of the high road from Ballantrae to Stranraer.</p> | |
| <i>Strathy</i> | <p>1st. That the limits of the district of the river Strathy shall be—on the east, Rhu-na-Claich; on the west, Armadale Point; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge on the road from Thurso to Tongue.</p> | Oct. 9, 1863. |
| <i>Sunart</i> (Loch) | <p>1st. That the limits of the district of Loch Sunart shall be—on the east, the end of Fuenary Island;</p> | Oct. 13, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Samart</i> (Loch) (cont.) | <p>on the west, Stron Beg in the Island of Mull; and that the district shall consist of the portions of the sea coast and the estuary, and the rivers, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, on the river Strontian, bridge of public road from Strontian to Sheilbridge; on river Carnich, bridge of road to Carnich Farm and Loch Head.</p> | |
| <i>Tay</i> | <p>1st. That the limits of the district of the river Tay shall be—on the north, Red Head; on the south, Fife Ness; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, on the Tay, the bridge of Perth; on the Earn, the North British Railway-bridge.</p> | Feb. 10, 1863. |
| <i>Thurso</i> | <p>1st. That the limits of the district of the river Thurso shall be—on the east, Duncansbay Head; and on the west, Brims Ness; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge of the public road at Thurso.</p> | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Torridon</i> | <p>1st. That the limits of the district of the river Torridon shall be—on the north, Ru Ruag; and on the south, the mouth of the burn at Camushole, near the south-east corner of Upper Loch Torridon; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the stepping-stones leading from Torridon road to Shieldag.</p> | Feb. 10, 1863. |
| <i>Tweed</i> | See the end of this Schedule. | |
| <i>Ugie</i> | <p>1st. That the limits of the district of the river Ugie shall be—on the north, Cairnbulg Point; on the south, the boundary between the parishes of Peterhead and Cruden; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the rock standing on the left bank of the river Ugie in mains of Inverugie Farm to the north side of the farm steading of waterside of Balmoor on the right bank.</p> | Feb. 10, 1863. |
| <i>Ullapool</i> | <p>1st. That the limits of the district of the river Ullapool shall be—on the north, a line to be drawn from the south-east point of Isle Martin to Ardmain Point; and on the south, the boundary between that portion of the</p> | Feb. 10, 1863. |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
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| <i>Ullapool</i> (cont.) | <p>county of Cromarty and of the county of Ross; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn at right angles with the river, from the lower end of the island next the mouth of the river.</p> | |
| <i>Urr</i> | <p>1st. That the limits of the district of the river Urr shall be—on the west, Aird Point; on the east, the most projecting point of land south-east of Whitehill, between Portling Bay and Portowarren Bay; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a rock or large stone on the left bank of the river, 140 yards above the point of junction with the Dalbeattie Burn.</p> | Feb. 10, 1863. |
| <i>Wick</i> | <p>1st. That the limits of the district of the river Wick shall be—on the south, Ulbster Head, and on the north, Duncansbay Head; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries</p> | Feb. 10, 1863 |

| Names of Rivers. | Limits of District and Division between Upper and Lower Proprietors. | Date from which Byelaw took effect. |
|------------------------|---|-------------------------------------|
| <i>Wick</i> (cont.)... | shall be upper proprietors, shall be a line drawn at right angles with the river, at the upper end of the old cruives. | May 1, 1863. |
| <i>Ythan</i> | <p>1st. That the limits of the district of the river Ythan shall be—on the north, the boundary between the parishes of Peterhead and Cruden; on the south, the northern boundary of the Fishings of Menie; and that the district shall consist of the portions of the sea coast and the estuary, and the river, contained between the said points.</p> <p>2nd. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the old Ford, known as Ellis Ford, on the old road (now unused) from Peterhead to Aberdeen</p> | |

25th and 26th Vict. cap. 97.

26th and 27th Vict. cap. 50.

We, the commissioners appointed under the 25th and 26th Vict. c. 97, and empowered by the 26th and 27th Vict. c. 50, to extend the limits of the mouth or entrance of the river Tweed northwards from the limits thereof as defined in the "Tweed Fisheries Amendment Act 1859," along the sea coast and into the sea to such points and to such an extent as we may fix, do hereby fix and determine,

That the limits of the mouth or entrance of the said river Tweed shall extend northwards from the limits thereof as defined in the said Tweed Fisheries Amendment Act, 1859, along the sea coast to the boundary between the counties of Haddington and of Berwick, and shall also extend into the sea five miles in front of that portion of the coast hereby added to the limits of

the said river Tweed, the distance to be measured at right angles with the coast.

Given under our hands this 10th day of August, 1863.

WM. J. FFENNELL, }
FRED. EDEN, } Commissioners.
JAMES LESLIE, }

Fishery Department, Home Office.

Approved,
Whitehall, 30th September, 1863,
G. GREY.

(*This Byelaw took effect from the 6th October, 1863.*) (a)

BYELAW.

25th and 26th Vict. cap. 97.

26th and 27th Vict. cap. 50.

27th and 28th Vict. cap. 118.

"Acts to regulate and amend the law respecting the Salmon Fisheries of Scotland."

District of the River Add.

We, the commissioners appointed under the said Acts, and empowered thereby "to fix and define, for the purposes of this [the first-recited] Act, and the other Acts relating to Salmon and Salmon Fisheries in Scotland, the natural limits which divide each river in Scotland (including the estuary thereof) from the sea, in so far as the same may not be already fixed by statute or by judicial decision," do hereby fix and define the limits which divide the river Add, including the estuary thereof, from the sea, to be on the north, the most projecting point 400 yards west-south-west of Duntroon Castle; on the south, a point nearly 200 yards west of the mouth of the Crinan Canal.

WM. J. FFENNELL, }
FRED. EDEN, } Commissioners.
JAMES LESLIE, }

Fisheries Department, Home Office,

26th day of April, 1864.

Approved,
Whitehall, 25th August, 1864,
G. GREY.

(*This Byelaw took effect from the 6th day of September, 1864.*) (a)

The same Byelaw applies to the several rivers according to the limits, and took effect from the dates undermentioned respectively,

(a) See note, p. 117.

| Names of Rivers. | Limits of Estuary. | Date from which Byelaw took effect. |
|-----------------------------------|---|-------------------------------------|
| <i>Aline</i> | A straight line drawn 15 degrees north of true west from Bolorkle Point on the east shore to the mainland on the west shore. | Mar. 11, 1865. |
| <i>Aliness</i> | A straight line drawn between the east and west Sutors of Cromarty. | Mar. 14, 1865. |
| <i>Annan</i> | See Nith. | |
| <i>Applecross</i> ... | A straight line drawn from mouth of Burn on the north shore outward, and distant 1500 yards from the Manse, to the outermost Pier on the south shore, which is distant 900 yards from the innermost pier. | Mar. 11, 1865. |
| <i>Arnisdale</i> , in Loch Hourn. | A straight line drawn from the west end of Dry Island on the north side of Arnisdale river, through Skier Laven, to the Ru on the south side of that river. | Mar. 11, 1865. |
| <i>Awe</i> | The point north-west of Dunstaffnage Castle on the south, and the south-west point of Garbhard on the north. | Sept. 6, 1864. |
| <i>Aylort</i> (Kinloch). | A straight line drawn from the outermost point of Aird Nish on the north shore, through Goat Island, to the mainland on the south. | Mar. 11, 1865 |
| <i>Ayr</i> | A segment of a circle of 400 yards radius, drawn from a centre placed halfway between the outer end of the Breakwater and the outer end of the South Pier, with tangents to the circle extended to meet high-water mark of spring-tides in the direction of the south end of Newton Lodge on the north, and in the direction of the seaward end of the lane south of the Gasworks on the south. | Mar. 14, 1865. |
| <i>Balgay</i> | See Torridon. | |
| <i>Baa and Glencoilleadar</i> . | As regards the river Baa—a straight line due north and south through the outer end of Eorsa Island. As regards the river Glencoilleadar—Ard Kilfinichen | Aug. 4, 1865. |

| Names of Rivers. | Limits of Estuary. | Date from which Byelaw took effect. |
|--|--|-------------------------------------|
| <i>Baa and Glen-coilleadar</i> (cont.) <i>Beaully</i> | on the north, a straight line thence in the direction of the Free Church to the south shore. A straight line, drawn due south-east, true meridian, from the centre of the Three Burns to the southern shore, thus cutting the Black Buoy, as at present placed on the north end of the Whiten Ness Sands. | June 13, 1865. |
| <i>Badachro</i> and <i>Kerry</i> , in <i>Gairloch</i> . | A straight line drawn from the north-western point of Stron-na-Ard on the east shore, touching the outer end of Eilean Harriadaile, to the mainland west. | June 13, 1865. |
| <i>Bladenoch, Cree</i> and <i>Fleet</i> . | A straight line drawn from Eggerness Point on the west, through the centre of Barlocco Island, thence to the nearest point of the mainland on the east of that island. | Mar. 11, 1865. |
| <i>Berriedale</i> ... | A straight line of about 250 yards in length, drawn in a direction a little to the east of true north from the most projecting point of rocks above low water, south-east of the old castle, to the most projecting point of rock at low water, south-east of the northern extremity of the small bay into which the river discharges, and the shortest lines connecting those rocks with the shore. | April 22, 1864. |
| <i>Bervie</i> | A portion of a circle of 150 yards radius, to be drawn from a centre placed mid-channel in the river where it joins the sea at low water at equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides. | April 22, 1864 |
| <i>Broom and Ullapool</i> (Loch Broom). | A straight line drawn from Ru-na-Caddal on the north to the Ru-Camas Veasach on the south. | June 13, 1865. |

| Names of Rivers. | Limits of Estuary. | Date from which Byelaw took effect. |
|---------------------------------------|---|-------------------------------------|
| <i>Brora</i> | A portion of a circle of 300 yards radius, having its centre in mid-channel of the river at low water of spring tides, and extended shorewards by tangents at right angles to (or to the nearest point of) high-water mark. | Mar. 11, 1865. |
| <i>Carradale</i> , in Cautyre. | From the outermost point at low water of spring tides of the most projecting point of rocks on the south or right side of the river, a straight line drawn westward to the nearest point of the shore, and another straight line drawn in the direction of Carradale House, both lines extending up to high-water mark. | Jan. 26, 1866. |
| <i>Carron</i> | <i>See</i> Kishorn. | |
| <i>Clyde and Leven and Eckraig.</i> | A straight line drawn east from Toward Point Light. | Mar. 7, 1865. |
| <i>Conon</i> | A straight line drawn between the east and west Sutors of Cromarty. | Mar. 7, 1865. |
| <i>Cree</i> | <i>See</i> Bladenoch. | |
| <i>Creed or Stornoway, and Laxay.</i> | As regards the river Creed or Stornoway, a line drawn due east from the Lighthouse. As regards the river Laxay, a straight line drawn from Eilean Chala-brigh on the north to the outer end of Eilean Chalam Ghille and a straight line thence to the south shore. | Aug. 4, 1865. |
| <i>Creran</i> (Loch Creran). | A line drawn from the southernmost point of the mainland immediately north of Ereska Island, and continued along the outer face of that island to the projecting point of the mainland nearest to the south-west point of the said island. | Mar. 11, 1865. |
| <i>Dee</i> (Aberdeen-shire). | A portion of a circle of 400 yards radius to be drawn from a centre placed midway between the outermost point of the North Pier and the outermost point of the Breakwater, and continued shorewards by tangents to the | Mar. 7, 1865. |

| Names of Rivers. | Limits of Estuary. | Date from which Bylaw took effect. |
|-----------------------------|---|------------------------------------|
| <i>Dee</i> (cont.) | circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark of equinoctial spring tides. | |
| <i>Dee</i> (Kirkcudbright). | A straight line drawn from Balinoc Head to the outer point of Little Ross Island, and thence to the nearest point on the mainland. | April 22, 1864. |
| <i>Deveron</i> | A portion of a circle of 400 yards radius to be drawn from a centre placed mid-channel in the river where it joins the sea at low water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides. | Mar. 7, 1865. |
| <i>Don</i> | A portion of a circle of 400 yards radius to be drawn from a centre placed mid-channel in the river where it joins the sea at low water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides. | April 22, 1864. |
| <i>Doon</i> | A segment of a circle of 400 yards radius, drawn from a centre placed half-way between the nearest end of the two rocks on the opposite sides of the river mouth, and on the line of the seaward side of those rocks, both at low water of equinoctial spring tides, with tangents to the circle extending to where the other line on the 6-inch Ordnance map, showing the municipal boundary, crosses high-water mark on the north, and extending to high-water mark in the direction of Alloway Corn Mill on the south, | Mar. 14, 1865. |

| Names of Rivers. | Limits of Estuary. | Date from which Byelaw took effect. |
|------------------------------|---|-------------------------------------|
| <i>Doon</i> (cont.)... | being at high-water mark 250 yards from the south side of the river. | Mar. 11, 1865. |
| <i>Dumbeath</i> | On the north, the most projecting point of Pitormie Head; on the south, the projecting rock near the Castle, and between the Castle and the harbour and seaward a semicircle drawn from a centre placed half way between those points. | |
| <i>Eckaig</i> | <i>See</i> Clyde and Leven. | Mar. 14, 1865. |
| <i>Esk</i> (Kirkcudbright). | <i>See</i> Nith. | |
| <i>Esk</i> , North (Forfar). | A portion of a circle of 400 yards radius to be drawn from a centre placed mid-channel in the river where it joins the sea at low water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides. | |
| <i>Esk</i> , South ... | A straight line drawn from the tower of Scurdy Ness to the outermost point of Scurdy Stone; thence a straight line extending due north 500 yards; and on the north a straight line to be drawn from the last-named point to a point at high-water mark, spring tides, 800 yards distant from the Low Light House, the distance to be measured in a straight line. | April 22, 1864. |
| <i>Ewe</i> | A straight line drawn from Runa-Gavann on the west shore to Runcon on the east shore. | Mar. 11, 1865. |
| <i>Euchar</i> | <i>See</i> Nell and Feochan. | Mar. 7, 1865. |
| <i>Findhorn</i> | A line drawn due north from the outermost of the two shipping piers of the town of Findhorn as extends from high-water mark outwards to 200 yards below low water of equinoctial spring tides; on the west, a line parallel with | |

| Names of Rivers. | Limits of Estuary. | Date from which Byelaw took effect. |
|---|---|-------------------------------------|
| <i>Findhorn</i> (cont.) | and one and a half miles distant from the foregoing described line, and also extending outwards from high-water mark to 200 yards below low water of equinoctial spring tides; and on the north, a line of 900 yards out from low water of equinoctial spring tides, and connecting the outer ends of the two lines hereinbefore described. | |
| <i>Fleet</i> (Sutherlandshire) | A portion of a circle of 1200 yards radius, having its centre in mid-channel of the river at the lower light, and continued to meet high-water mark. | Mar. 11, 1865. |
| <i>Fleet</i> (Kirkcudbright). | See Bladenoch. | |
| <i>Forss</i> | A straight line drawn from the most north-westerly point of the shore on the west side of the river to the projecting point midway between Brinsness and Cross Kirk on the east side of the river. | April 22, 1864. |
| <i>Forth</i> | A straight line drawn from the Hound Point on the south shore to St. David's Point on the north. | Mar. 14, 1865. |
| <i>Fyne, Shira, and Aray</i> (Loch Fyne). | Craig's Ferry. | Mar. 11, 1865. |
| <i>Girvan</i> | A portion of a circle of 300 yards radius, drawn from a centre placed mid-channel of the river where it joins the sea at low water of equinoctial spring tides, and continued to the shore at high-water mark on the respective sides of the river by tangents to the circle drawn at right angles with the shore. | April 22, 1864. |
| <i>Glenelg</i> | A straight line drawn from the east side of the rocks forming the western extremity of Bernera Bay on the north to the projecting point of land at high-water mark immediately north of Elieau Reach or Glenbeg River, | Mar. 11, 1865. |

| Names of Rivers. | Limits of Estuary. | Date from which Byelaw took effect. |
|---|---|-------------------------------------|
| <i>Glenslg (cont.)</i> | and Eilean Reach House on the south. | |
| <i>Gour</i> | <i>See Lochy.</i> | |
| <i>Greiss, Laxdale, and Tong or Thunga.</i> | As regards the rivers Laxdale and Tong or Thunga, from the rocks at Rudhu-na-Monach at low-water line on the north to Gobnan Clach at high-water line on the south. As regards the river Griess, from the outer point of Sgeir Leathain Island, a straight line drawn north to Ston Ruadh and south-west to Creag-Mhor-Bhataisgeir. | Aug. 4, 1865. |
| <i>Grudie or Dionard.</i> | A straight line from Far Out Point on the east to Stoir Point on west (Admiralty chart). | Mar. 11, 1865. |
| <i>Gruinard and Little Gruinard.</i> | A straight line drawn from the most projecting point between Gruinard House and Douran Rocks on the north to the projecting point west of Mill Bay on the south. | Mar. 11, 1865. |
| <i>Halladale</i> | A straight line drawn due west across Melvert Bay from the most projecting point of Salmon Rocks on east. | Mar. 11, 1865. |
| <i>Helmsdale</i> | A portion of a circle of 300 yards radius, having its centre in mid-channel of the river at low-water of spring tides, and extended shorewards on the north side by a tangent drawn at right-angles to (or the nearest point of) high-water mark, and on the south by a tangent drawn to meet high-water mark at the distance of 300 yards west of the point of land occupied by a curing-yard on the west or left bank of the river at high water. | Mar. 11, 1865. |
| <i>Hope and Polla, or Strathbeg.</i> | A straight line from Grave Point on west, through outer end of Skeir Bhuie Island and continued east shore (Admiralty chart). | Mar. 11, 1865. |
| <i>Inchard</i> | A straight line drawn from Kean Point on north to the outer point of land between Loch | Mar. 11, 1865. |

| Names of Rivers. | Limits of Estuary. | Date from which Byelaw took effect. |
|---|---|-------------------------------------|
| | Inchard and Loch Kinsale on south. | |
| <i>Inner</i> (in Jura) | Part of a circle of 300 yards radius, having its centre in the middle of the principal channel of the river at low-water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark also of equinoctial spring tides. | Jan. 26, 1866. |
| <i>Inver</i> | A straight line drawn from Kirkaig Point on south to Ru Roe on north (Admiralty chart). | Mar. 11, 1865. |
| <i>Iorsa</i> (in Arran) | A portion of a circle of 400 yards radius, drawn from the centre of the river at low water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides. | Jan. 26, 1866. |
| <i>Irvine and Garroch.</i> | A portion of a circle of 400 yards radius to be drawn from a centre placed mid-channel abreast of the beacon, and continued to the shore at high-water mark on the respective sides of the river by tangents to the circle drawn at right-angles with the shore. | Mar. 11, 1865. |
| <i>Kennart</i> | A straight line drawn from Ru Beg on the south to the westernmost point of Mealan Blùie on the north. | Mar. 11, 1865. |
| <i>Kinloch</i> (Kyle of Tongue) | A straight line from outer point of pier, Scullornie Harbour, on east, to most projecting point of Ard Skuinee on west (Burnett and Scott's county map). | Mar. 11, 1865. |
| <i>Kilchoan</i> or <i>Inverie</i> | A straight line drawn from Scottis House on the north side of the river to Creag Eilean on the south side of the river, and a line from thence to the nearest point of the mainland. | Mar. 11, 1865. |

| Names of Rivers. | Limits of Estuary. | Date from which Byelaw took effect. |
|--|--|-------------------------------------|
| <i>Kirkaig</i> | A straight line drawn from Weather Lump on the north shore, through Big Rock, to the south shore. | Mar 11, 1865. |
| <i>Kishorn</i> and <i>Carron</i> . | A straight line drawn from the most northerly point of Rumore to the outside of Garra Island, and a line thence along the outside of Kishorn Island to the nearest point to that last-mentioned island of the mainland to the north. | Mar. 11, 1865. |
| <i>Kyle of Sutherland</i> (Shin, Carron, Ork-ill, and Cas-sily). | On the north, a straight line drawn from Dornoch Church in the direction of Tarbet Ness Light-house; and on the east, a straight line drawn due south, true meridian, from the village of Inver, to meet the before-mentioned line, the point of meeting of the two lines being three and a quarter statute miles from high-water mark at Dornoch, and a like distance from high-water mark at Inver. | June 13, 1865. |
| <i>Laggan & Sorn</i> (in Islay) | Laggan—Part of a circle of 400 yards radius, having its centre in the middle of the river at low-water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides. Sorn. A straight line from the point of the Black Rocks on the west to Penneycraig on the east, both ends of the line extending up to high-water mark. | Jan. 26, 1866. |
| <i>Laxford</i> | From Dougal Head on the north-east, through centre of Island Skein, to mainland on south-west (Admiralty chart). | Mar. 11, 1865. |
| <i>Leven</i> | See Lochy. | Mar. 11, 1865 |
| <i>Little Loch Broom</i> . | A straight line drawn from Camus-na-Goal Point on the south to | June 13, 1865. |

| Names of Rivers. | Limits of Estuary. | Date from which Byelaw took effect. |
|--|---|-------------------------------------|
| <i>Little Loch Broom</i> (cont.) | the nearest point of land on the northern shore. | |
| <i>Lochy, Leven, Saddle, Gour, and Sanda.</i> | A straight line drawn due north-west, true meridian, from the westernmost point of land forming the western shore of Cail Bay, and lying north-east of Balnagowan Island, to the mainland on the north shore of the Linnhe Loch. | Mar. 11, 1865. |
| <i>Loch Duich ...</i> | See Loch Luing. | |
| <i>Loch Luing and Loch Duich.</i> | A straight line drawn due south, true meridian, from Scart Point on the north shore to the mainland on the south. | June 13, 1865. |
| <i>Loch Roag (Lewis).</i> | A straight line drawn from Aird-Lamiesheadar on the east to Sgeir-na-h-aon Chaorach on the west; also from Camus Ennaidh on the east to Eala Sheadha on the west. | Aug. 4, 1865. |
| <i>Luce</i> | A straight line drawn from a point on the shore at high-water mark on the east side of the river 650 yards south of Stair Haven Pier to a point on the shore at high-watermark on the west side of the river 1300 yards south-west from Ringdon Point. | Jan. 6, 1865. |
| <i>Lossie</i> | A straight line to be drawn from the North Pier Head to a point at low-water of equinoctial spring tides 200 yards, measured in a straight line, east of the south pier of the old harbour, and thence continued by a straight line to the nearest point of the shore at high-water mark of equinoctial spring tides. | Mar. 11, 1865. |
| <i>Lussa (Mull), and river from Loch Uisk to Loch Ruy.</i> | As regards the river Lussa, a straight line between the most projecting points of the heads of the mouth of Loch Spelve. As regards Loch Uisk River, a line north-west and south-east through the outer side of Mor Island. | Aug. 4, 1865. |
| <i>Moidart and Shiel.</i> | A straight line drawn from Farquhar Point on the south shore | Mar. 11, 1865. |

| Names of Rivers. | Limits of Estuary. | Date from which Byelaw took effect. |
|---|---|-------------------------------------|
| <i>Moidart</i> and <i>Sheil</i> (cont.) | to the south-west point of Eilean Shona, and a straight line drawn from north-west point of Eilean Shona to the nearest point of the mainland on the north. | |
| <i>Morar</i> | A straight line drawn from Bonan Caraidich on the north side of the river to the outermost point of Fraoch Eilean on the South Admiralty chart. | Mar. 11, 1865. |
| <i>Nairn</i> | A portion of a circle of 400 yards radius to be drawn from a centre placed mid-channel in the river where it joins the sea at low-water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides. | Mar. 7, 1865. |
| <i>Naver</i> and <i>Borgie</i> . | A straight line drawn from Aird-in-iaskich on the east to Claishaidie on west. (Burnett and Scott's county map.) | Mar. 11, 1865. |
| <i>Ness</i> | A straight line drawn due south-east, true meridian, from the centre of the Three Burns to the southern shore, thus cutting the black buoy as at present placed on the north end of the Whiten Ness sands. | Mar. 7, 1865. |
| <i>Nell, Feochan, and Euchar</i> (Loch Feochan). | From Minard Point on the north to eastern extremity of Barnacaryu Bay on the south. | Mar. 11, 1865. |
| <i>Nith, Annan, and Esk</i> . | A straight line drawn from the Hotel of Skemberness, in the parish of Abbey Holme, in the county of Cumberland, to the Large House at Carset House of Arbigland, in the stewartry of Kirkcudbright. | Mar. 7, 1865. |
| <i>Ormsary and Loch Head</i> (Loch Killisport) and <i>Stornoway</i> . | From Knap Point on the north, a straight line thence in the direction of Kilmaluag on the south. Stornoway, the two extreme projecting points of Stornoway Bay, | Aug. 4, 1865. |

| Names of Rivers. | Limits of Estuary. | Date from which Byelaw took effect. |
|---|---|-------------------------------------|
| <i>Ormsary, &c.</i> (cont.) | namely, about half-way between Lergnahunseon and Point Gallon on the north, and between Lergnahunseon and Ardpatrik Point on the south. | Aug. 4, 1865. |
| <i>Pennygown or Glenforsa and Aros</i> (Mull). | A straight line from Alasaid Head on the west on the direction of the burying-ground to the projecting point north-east of the mouth of Pennygown River on the east. | |
| <i>Ruel</i> | From Runin-a-Crotch Point on the east, line thence due west. | Mar. 11, 1865. |
| <i>Resort</i> | On the north Ru Carnach (Admiralty chart), thence to the seaward side of Greine Sgeir Island, and on the north-west point of the promontory on which the hill or mountain Meilein is situated. | Aug. 4, 1865. |
| <i>Sanda</i> | See Lochy. | |
| <i>Scaddle</i> | See Lochy. | |
| <i>Shiel</i> (Loch Shiel). | See Moidart. | |
| <i>Sligachan, Broadford, and Portree.</i> | As regards the river Sligachan, a straight line from Bal-na-Roinn Point at low-water on the north to Ru-an-Fhaing on the south. As regards the river Broadford, a straight line from Mr. Mackinnon's Pier on the north to the cottage on the beach a little to the eastward of the lime-kiln and pier on the south. As regards the river Portree, Skin Voire on the North to the point on the south lying due south-east. | Aug. 4, 1865. |
| <i>Snizort</i> | As regards the river Snizort, a straight line from Lyndale Point on the west to Aird-nan-Eirach on the east. As regards the rivers Orley and Oze, Loch Bracadale, a straight line from the most projecting point between Callbost and Eabost on the east to the most projecting point between Loch Caroy and Loch Roag on the west. As regards | Aug. 4, 1865. |

| Names of Rivers. | Limits of Estuary. | Date from which Byelaw took effect. |
|------------------------|---|-------------------------------------|
| <i>Snizort</i> (cont.) | the river Drynoch, Loch Harport, a straight line from the projecting point between Struanmore and Struanbeg on the north to the projecting point north of Dunard Kirk on the south. | April 15, 1864. |
| <i>Solway</i> | A straight line drawn from the Mull of Galloway, in the county of Wigton, to Hodborrow Point, in the parish of Milam, in the county of Cumberland. | |
| <i>Spey</i> | A portion of a circle of 400 yards radius to be drawn from a centre placed mid-channel in the river where it joins the sea at low-water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides. | Mar. 7, 1865. |
| <i>Stinchar</i> | A portion of a circle of 350 yards radius, drawn from a centre placed mid-channel of the river where it joins the sea at low water of equinoctial spring tides, and continued by tangents to the circle drawn at right angles with the shore. | April 22, 1864. |
| <i>Stornoway</i> | <i>See Creed.</i> | Mar. 11, 1865. |
| <i>Strathy</i> | A straight line drawn across Strathy Bay from point south of Geo Ghoulán on the west to north-west point, Balligill Head on east. | |
| <i>Thurso</i> | A portion of a circle of 400 yards radius drawn from a centre placed mid-channel at the line of low water of equinoctial spring tides, and continued to the shore at high water by tangents, that on the east being to a point 500 yards north-east of Thurso Castle, and that on the west being in the direction of the toll house. | Mar. 11, 1865. |
| <i>Tong or Thung</i> | <i>See Greiss.</i> | |

| Names of Rivers. | Limits of Estuary. | Date from which Byelaw took effect. |
|--|---|-------------------------------------|
| <i>Torridon, Balgay, and Shieldag.</i> | A straight line drawn across the narrows between Loch Shieldag and Outer Loch Torridon, where Diobaig Point and Ru Ardtishlic most nearly approach each other. | Mar. 11, 1865. |
| <i>Ugie</i> | A portion of a circle of 200 yards radius to be drawn from a centre placed mid-channel in the river where it joins the sea at low water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides. | Mar. 7, 1865. |
| <i>Ullapool</i> | <i>See Broom.</i> | |
| <i>Urr</i> | A straight line drawn from Balcarry Point on the west, through the outside of Hestan Island, to the eastern extremity of Gutcher's Island at low water, and thence inshore to high-water mark at the projecting point distant one mile from Castle Hill point. | June 13, 1865. |
| <i>Wick</i> | The line of the breakwater now in course of construction, and a straight line drawn due north from the outer end of the said breakwater to the north shore. | Mar. 11, 1865. |
| <i>Ythan</i> | A portion of a circle of 300 yards radius to be drawn from a centre placed mid-channel in the river where it joins the sea at low water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides. | April 22, 1864. |

BYELAW.

25th and 26th Vict. cap. 97.
 26th and 27th Vict. cap. 50, and
 27th and 28th Vict. cap. 118.

“Acts to regulate and amend the law respecting the Salmon Fisheries of Scotland.”

District of the River ADD.

We, the commissioners appointed under the said Acts, and empowered thereby “To determine, subject to the provisions of this [the first-recited] Act, at what dates the annual close time for every district shall commence and terminate, and at what periods subsequent to the commencement and prior to the termination of the annual close time it shall be lawful to fish for and take Salmon with the rod and line,” do hereby determine that the annual close time for the district of the river Add shall commence on the 1st day of September, and terminate on the 15th day of February, both days inclusive, and that it shall be lawful to fish for and to take Salmon with the rod and line from the 1st day of September to the 31st day of October, both days inclusive.

WM. J. FENNELL, }
 FRED. EDEN, } Commissioners.
 JAMES LESLIE, }

Fisheries Department, Home Office,
 11th Day of January, 1864.

Approved,
 Whitehall, 19th Day of April, 1864,
 G. GREY.

(This Byelaw took effect from the 20th Day of May, 1864.) (a)

The same Byelaw applies to the several Rivers, according to the Times, and took effect from the Dates undermentioned, respectively.

| Names of Rivers. | Annual Close Time. | Extension of Time for Rod-fishing. | Date from which Byelaw to take effect. |
|-------------------------|--------------------------|------------------------------------|--|
| <i>Aline</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Alness</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 14, 1865. |
| <i>Annan</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | June 13, 1865. |
| <i>Applecross</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |

(a) See note, p. 117.

| Names of Rivers. | Annual Close Time. | Extension of Time for Rod-fishing. | Date from which Byelaw took effect |
|---|---------------------------|------------------------------------|------------------------------------|
| <i>Arnisdale</i> (in Loch Houra). | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Awe</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Oct. 11, 1864. |
| <i>Aylort</i> (Kinloch) | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Ayr</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | June 13, 1865. |
| <i>Baa and Glen-coilleadar.</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Aug. 4, 1865. |
| <i>Badachro & Kerry in Gairloch.</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | June 13, 1865. |
| <i>Balgay and Sheildag.</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Beaully</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 15. | Mar. 7, 1865. |
| <i>Berriedale</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Jan. 29, 1864. |
| <i>Bervie</i> | From Sept. 10 to Feb. 24. | From Sept. 10 to Oct. 31. | Jan. 29, 1864. |
| <i>Bladenoch</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Broom</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | June 13, 1865. |
| <i>Brora</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Carradale</i> (in Cantyre). | From Sept. 10 to Feb. 24. | From Sept. 10 to Oct. 31. | Jan. 26, 1866. |
| <i>Carron</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Clyde and Leven</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 7, 1865. |
| <i>Conon</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 7, 1865. |
| <i>Cree</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Creed or Stornoway, and Laxay (Lewis).</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Aug. 4, 1865. |
| <i>Creran</i> (Loch Creran). | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Crome and Shiel (Loch Duich).</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | June 13, 1865. |
| <i>Dee</i> (Aberdeenshire). | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 7, 1865. |
| <i>Dee</i> (Kircudbright). | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | April 19, 1864. |

| Names of Rivers. | Annual Close Time. | Extension of Time for Rod-fishing. | Date from which Byelaw took effect. |
|--|------------------------------|---------------------------------------|---|
| <i>Deveron</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 7, 1865. |
| <i>Don</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Jan. 29, 1864. |
| <i>Doon</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 14, 1865. |
| <i>Dunbeath</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 15. | Mar. 11, 1865. |
| <i>Eckaig</i> | From Sept. 1 to Feb. 15. | From Sept. 1 to Oct. 31. | May 20, 1864. |
| <i>Esk, North</i> | From Sept. 1 to Feb. 15. | From Sept. 1 to Oct. 31. | Mar. 14, 1865. |
| <i>Esk, South</i> | From Sept. 1 to Feb. 15. | From Sept. 1 to Oct. 31. | Mar. 1, 1864. |
| <i>Ewe</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Findhorn</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 10. | Mar. 7, 1865. |
| <i>Fleet</i> (Sutherlandshire). | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Fleet</i> (Kirkcudbright). | From Sept. 10 to Feb. 24. | From Sept. 10 to Oct. 31. | May 20, 1864. |
| <i>Fors</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Jan. 29, 1864. |
| <i>Forth</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 15. | Mar. 14, 1865. |
| <i>Fyne, Shira, and Aray</i> (Loch Fyne). | From Sept. 1 to Feb. 15. | From Sept. 1 to Oct. 31. | Mar. 11, 1865. |
| <i>Girvan</i> | From Sept. 10 to Feb. 24. | From Sept. 10 to Oct. 31. | Jan. 29, 1864. |
| <i>Glenelg</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Gour</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Greiss, Laxdale, or Thunga.</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Aug. 4, 1865. |
| <i>Grudie or Dionard.</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Gruinard & Little Gruinard.</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Halludale</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Helmsdale</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Hope and Polla, or Strathbeg.</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |

| Names of Rivers. | Annual Close Time. | Extension of Time for Rod-fishing. | Date from which Byelaw took effect. |
|---|------------------------------|---------------------------------------|---|
| <i>Inchard</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Inner</i> (in Jura) | From Sept. 10 to Feb. 24. | From Sept. 10 to Oct. 31. | Jan. 26, 1866. |
| <i>Inver</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Jorsa</i> (in Arran) | From Sept. 10 to Feb. 24. | From Sept. 10 to Oct. 31. | Jan. 26, 1866. |
| <i>Irvine and Gar- noch</i> | From Sept. 10 to Feb. 24. | From Sept. 10 to Oct. 31. | Mar. 11, 1865. |
| <i>Kennart</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Kilchoan or In- verie</i> (Loch Nevis). | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Kinloch</i> (Kyle of Tongue). | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Kirkaig</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Kishorn</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Kyle of Suther- land</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 15. | Mar. 7, 1865. |
| <i>Laggan and Sorn</i> (in Islay). | From Sept. 10 to Feb. 24. | From Sept. 10 to Oct. 31. | Jan. 26, 1866. |
| <i>Laxford</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Leven</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Little Loch Broom</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Lochy</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Nov. 15, 1864. |
| <i>Loch Duich</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | June 13, 1865. |
| <i>Loch Luig</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | June 13, 1865. |
| <i>Loch Roag</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Aug. 4, 1865. |
| <i>Lossie</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 15. | Mar. 11, 1865. |
| <i>Luce</i> | From Sept. 10 to Feb. 24. | From Sept. 10 to Oct. 31. | Mar. 7, 1865. |
| <i>Lussa</i> (Mull) ... | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Aug. 4, 1865. |
| <i>Moidart</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |

| Names of Rivers. | Annual Close Time. | Extension of Time for Rod-fishing. | Date from which Byelaw took effect. |
|--|------------------------------|---------------------------------------|---|
| <i>Morar</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Nairn</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 15. | Mar. 7, 1865. |
| <i>Naver and Borge</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Nell and Feochan, Euchar (Loch Feochan).</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Ness</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 15. | Mar. 7, 1865. |
| <i>Nith</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 7, 1865. |
| <i>Ormsary (Loch Killisport), Loch Head, and Stornoway (Mull).</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Aug. 4, 1865. |
| <i>Pennygown or Glenforsa, and Aros.</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Aug. 4, 1865. |
| <i>Resort</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Aug. 4, 1865. |
| <i>Ruel</i> | From Sept. 1 to Feb. 15. | From Sept. 1 to Oct. 31. | Mar. 11, 1865. |
| <i>Sanda</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Scaddle</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Shiel (Loch Shiel)</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Sligachan, Broad- ford, and Por- trees</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Aug. 4, 1865. |
| <i>Snizort, Orley, Oze, and Dry- nock.</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Aug. 4, 1865. |
| <i>Spey</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 15. | Mar. 7, 1865. |
| <i>Stinchar</i> | From Sept. 10 to Feb. 24. | From Sept. 10 to Oct. 31. | Jan. 29, 1864. |
| <i>Stornoway</i> | See Creed. | — | — |
| <i>Strathy</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Tay</i> | From Aug. 21 to Feb. 4. | From Aug. 21 to Oct. 10. | July 28, 1865. |
| <i>Thurso</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 15. | Mar. 11, 1865. |

| Names of Rivers. | Annual Close Time. | Extension of Time for Rod-fishing. | Date from which Byelaw took effect. |
|--|---------------------------|------------------------------------|-------------------------------------|
| <i>Torridon, Balgay, and Shieldag.</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Ugie</i> | From Sept. 10 to Feb. 24. | From Sept. 10 to Oct. 31. | Mar. 7, 1865. |
| <i>Ullapool</i> (Loch Broom). | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | June 13, 1865. |
| <i>Urr</i> | From Sept. 10 to Feb. 24. | From Sept. 10 to Oct. 31. | Jan. 29, 1864. |
| <i>Wick</i> | From Aug. 27 to Feb. 10. | From Aug. 27 to Oct. 31. | Mar. 11, 1865. |
| <i>Ythan</i> | From Sept. 10 to Feb. 24. | From Sept. 10 to Oct. 31. | Jan. 29, 1864. |

BYELAW.

25th and 26th Vict. cap. 97.

26th and 27th Vict. cap. 50, and

27th and 28th Vict. cap. 118.

“Acts to regulate and amend the laws respecting the Salmon Fisheries of Scotland.”

District of the River ADD.

We, the Commissioners appointed under the said Acts, and empowered thereby “To make general regulations with respect to the due observance of the weekly close time,” do hereby make the following regulations with respect to the due observance of the weekly close time in the said district, namely,—

1. That in each and every stake weir or stake net a clear opening of at least four feet in width from top to bottom shall be made and kept free from obstruction in each and every pouch, trap, or chamber of same.
2. That the pouches, traps, or chambers of each and every fly net shall be either raised and tied up to the upper ropes of same, or lowered and tied to the lower ropes, so as effectually to prevent the capture or obstruction of salmon.
3. That the netting of the leader of each and every bag net shall be entirely removed, and taken out of the water.

WM. J. FFENNELL,
FRED. EDEN,
JAMES LESLIE, } Commissioners.

Fisheries Department, Home Office,
11th day of January, 1864.

Approved,
Whitehall, 19th April, 1864.

G. GREY.

(This Byelaw took effect from 20th day of May, 1864.) (a)

(a) See note, p. 117.

The same Byelaw applies to the rivers and took effect from the dates under mentioned respectively.

| Names of Rivers. | Date from which Byelaw took effect. | Names of Rivers. | Date from which Byelaw took effect. |
|--|-------------------------------------|---|-------------------------------------|
| <i>Aine</i> | Mar. 11, 1865. | <i>Esk, South</i> | April 29, 1864. |
| <i>Alness</i> | Mar. 14, 1865. | <i>Ewe</i> | Mar. 11, 1865. |
| <i>Annan</i> | June 13, 1865. | <i>Findhorn</i> | Mar. 7, 1865. |
| <i>Applecross</i> | Mar. 11, 1865. | <i>Fleet</i> (Sutherlandshire). | Mar. 11, 1865. |
| <i>Arnisdale</i> (in Loch Houra). | Mar. 11, 1865. | <i>Fleet</i> (Kirkcudbright). | April 29, 1864. |
| <i>Awe</i> | May 20, 1864. | <i>Forss</i> | April 29, 1864. |
| <i>Aylort</i> (Kinloch) | Mar. 11, 1865. | <i>Forth</i> | Mar. 14, 1865. |
| <i>Ayr</i> | June 13, 1865. | <i>Fyne, Shira, and Aray</i> (Loch Fyne). | Mar. 11, 1865. |
| <i>Baa and Glen-coilleadar.</i> | Aug. 4, 1865. | <i>Girvan</i> | April 29, 1864. |
| <i>Badachro and Kerry in Gairloch.</i> | June 13, 1865. | <i>Glenelg</i> | Mar. 11, 1865. |
| <i>Balgay and Shiel-dag.</i> | Mar. 11, 1865. | <i>Gour</i> | Mar. 11, 1865. |
| <i>Beaully</i> | Mar. 7, 1865. | <i>Greiss</i> (Laxdale and Tong or Thunga). | Aug. 4, 1865. |
| <i>Berriedale</i> | April 29, 1864. | <i>Gruidieor Dionard</i> | Mar. 11, 1865. |
| <i>Bervie</i> | April 29, 1864. | <i>Gruinard</i> and <i>Little Gruinard</i> | Mar. 11, 1865. |
| <i>Bladenoch</i> | Mar. 11, 1865. | <i>Halladale</i> | Mar. 11, 1865. |
| <i>Broom</i> | June 13, 1865. | <i>Helmsdale</i> | Mar. 11, 1865. |
| <i>Brora</i> | Mar. 11, 1865. | <i>Hope and Polla, or Strathbeg.</i> | Mar. 11, 1865. |
| <i>Carradale</i> | Jan. 26, 1866. | <i>Inner</i> (in Jura)... | Jan. 26, 1866. |
| <i>Carron</i> | Mar. 11, 1865. | <i>Inchard</i> | Mar. 11, 1865. |
| <i>Clyde and Leven</i> | Mar. 7, 1865. | <i>Inver</i> | Mar. 11, 1865. |
| <i>Conon</i> | Mar. 7, 1865. | <i>Iorsa</i> (in Arran) | Jan. 26, 1866. |
| <i>Cree</i> | Mar. 11, 1865. | <i>Irvine and Gar-noch</i> | Mar. 11, 1865. |
| <i>Creed or Stornoway and Laxay</i> | Aug. 4, 1865. | <i>Kennart</i> | Mar. 11, 1865. |
| <i>Creran</i> | Mar. 11, 1865. | <i>Kilchoan or Inverie</i> (Loch Nevis). | Mar. 11, 1865. |
| <i>Crome and Shiel</i> (Loch Duich). | June 13, 1865. | <i>Kinloch</i> (Kyle of Tongue). | Mar. 11, 1865. |
| <i>Dee</i> (Aberdeen-shire). | Mar. 7, 1865. | <i>Kirkaig</i> | Mar. 11, 1865. |
| <i>Dee</i> (Kirkcudbright). | April 29, 1864. | <i>Kishorn</i> | Mar. 11, 1865. |
| <i>Deveron</i> | Mar. 7, 1865. | <i>Kyle of Sutherland.</i> | Mar. 7, 1865. |
| <i>Don</i> | April 29, 1864. | <i>Laggan and Sorn</i> | Jan. 26, 1866. |
| <i>Doon</i> | Mar. 14, 1865. | <i>Laxford</i> | Mar. 11, 1865. |
| <i>Drynoch</i> (in Loch Harport). | Aug. 4, 1865. | <i>Leven</i> | Mar. 11, 1865. |
| <i>Dunbeath</i> | Mar. 11, 1865. | | |
| <i>Eckaig</i> | May 20, 1864. | | |
| <i>Esk, North</i> | Mar. 14, 1865. | | |

| Names of Rivers. | Date from which Byelaw took effect | Names of Rivers. | Date from which Byelaw took effect. |
|---------------------------------|------------------------------------|------------------------------|-------------------------------------|
| <i>Little Loch Broom</i> | June 13, 1865 | <i>Pennygown</i> or | Aug. 4, 1865. |
| <i>Lochy</i> | Aug. 4, 1865. | <i>Glenforsa</i> , and | |
| <i>Loch Duich</i> | June 13, 1865. | <i>Aros</i> . | |
| <i>Loch Luig</i> | June 13, 1865. | <i>Resort</i> | Aug. 4, 1865. |
| <i>Loch Roag</i> (Lewis) | Aug. 4, 1865. | <i>Ruel</i> | Mar. 11, 1865. |
| Rivers <i>Black-</i> | | <i>Sanda</i> | Mar. 11, 1865. |
| <i>water, Grimer-</i> | | <i>Scaddle</i> | Mar. 11, 1865. |
| <i>sta</i> , and <i>Mors-</i> | | <i>Shiel</i> (Loch | Mar. 11, 1865. |
| <i>gail</i> . | | Shiel). | |
| <i>Lossie</i> | Mar. 11, 1865. | <i>Sligachan, Broad-</i> | Aug. 4, 1865. |
| <i>Luce</i> | Mar. 7, 1865. | <i>ford, & Portree</i> . | |
| <i>Lussa</i> (Mull) and | Aug. 4, 1865. | <i>Snizort, Orkney,</i> | Aug. 4, 1865. |
| River, <i>Loch Uisk</i> | | <i>Oze</i> (and Loch | |
| to <i>Loch Bay</i> . | | <i>Bracadale</i>) and | |
| <i>Moidart</i> | Mar. 11, 1865. | <i>Drynoch</i> (Loch | |
| <i>Morar</i> | Mar. 11, 1865. | <i>Harport</i>). | |
| <i>Nairn</i> | Mar. 7, 1865. | <i>Spey</i> | Mar. 7, 1865. |
| <i>Naver</i> and <i>Borgie</i> | Mar. 11, 1865. | <i>Stinchar</i> | April 29, 1864. |
| <i>Nell, Feochan</i> , and | Mar. 11, 1865. | <i>Struthy</i> | Mar. 11, 1865. |
| <i>Euchar</i> (Loch | | <i>Tay</i> | April 29, 1864. |
| <i>Feochan</i>). | | <i>Thurso</i> | Mar. 11, 1865. |
| <i>Ness</i> | Mar. 7, 1865. | <i>Torridon, Balguy,</i> | Mar. 11, 1865. |
| <i>Nith</i> | Mar. 7, 1865. | and <i>Shieldag</i> . | |
| <i>Ormsary</i> (Loch | Aug. 4, 1865. | <i>Ugie</i> | Mar. 7, 1865. |
| <i>Killisport</i>) <i>Loch</i> | | <i>Ullapool</i> | June 13, 1865. |
| <i>Head River</i> | | <i>Urr</i> | April 29, 1864. |
| and <i>Stornoway</i> | | <i>Wick</i> | Mar. 11, 1865. |
| (Mull). | | <i>Ythan</i> | April 29, 1864. |

BYELAW.

25th and 26th Vict. cap. 97
 26th and 27th Vict. cap. 50.
 27th and 28th Vict. cap. 118.

"Acts to regulate and amend the Law respecting the Salmon Fisheries of Scotland."

District of the River Add.

We, the commissioners appointed under the said Acts, and empowered thereby "to make General Regulations with respect to the meshes of nets," to be used for the capture of salmon, do hereby make the following Regulations with respect to the meshes of nets, for the district of the river Add.

That no net shall be used for the capture of salmon, the meshes whereof shall be under one inch and three quarters in extension,

from knot to knot, measured on each side of the square, or seven inches measured round each mesh when wet; and the placing two or more nets behind or near to each other in such manner as to practically diminish the mesh of the nets used, or the covering the nets used with canvas, or the using any other artifice so as to evade the provisions of the regulations with respect to the meshes of nets, shall be deemed to be an act in contravention of this Byelaw.

WM. J. FFENNELL, }
FRED. EDEN, } Commissioners.
JAMES LESLIE, }

Fisheries Department, Home Office,
11th Day of January, 1864.

Approved,
G. GREY,

Whitehall, 19th April, 1864.

(This Byelaw took effect from the 20th day of May, 1864.) (a)

The same Byelaw applies to the Rivers, and took effect from the dates undermentioned respectively.

| Names of Rivers. | Date from which Byelaw took effect. | Names of Rivers. | Date from which Byelaw took effect. |
|--------------------------|-------------------------------------|---------------------------|-------------------------------------|
| <i>Aline</i> | Mar. 11, 1865. | <i>Cree</i> | Mar. 11, 1865. |
| <i>Alness</i> | Mar. 14, 1865. | <i>Creed or Storno-</i> | Aug. 4, 1865. |
| <i>Annan</i> | June 13, 1865. | <i>way and Laxay</i> | |
| <i>Applecross</i> | Mar. 11, 1865. | <i>Creran</i> | Mar. 11, 1865. |
| <i>Arnisdale</i> (in | Mar. 11, 1865. | <i>Crome and Shiel</i> | June 13, 1865. |
| Loch Hourn). | | (Loch Duich). | |
| <i>Awe</i> | May 20, 1864. | <i>Dee</i> (Aberdeen- | Mar. 7, 1865. |
| <i>Aylort</i> (Kinloch) | Mar. 11, 1865. | shire). | |
| <i>Ayr</i> | June 13, 1865. | <i>Dee</i> (Kirkcud- | May 10, 1864. |
| <i>Baa and Glen-</i> | Aug. 4, 1865. | bright). | |
| <i>coilleadar</i> . | | <i>Deveron</i> | Mar. 7, 1865. |
| <i>Badachro</i> and | June 13, 1865. | <i>Don</i> | May 10, 1864. |
| <i>Kerry in Gair-</i> | | <i>Doon</i> | Mar. 14, 1865. |
| <i>loch</i> . | | <i>Drynoch</i> (in Loch | Aug. 4, 1865. |
| <i>Balgay and Shiel-</i> | Mar. 11, 1865. | Harport). | |
| <i>dag</i> . | | <i>Dunbeath</i> | Mar. 11, 1865. |
| <i>Beaully</i> | Mar. 7, 1865. | <i>Eckaig</i> | May 20, 1864. |
| <i>Berriedale</i> | May 10, 1864. | <i>Esk, North</i> | Mar. 14, 1865. |
| <i>Bervie</i> | May 10, 1864. | <i>Esk, South</i> | May 10, 1864. |
| <i>Bladenoch</i> | Mar. 11, 1865. | <i>Ewe</i> | Mar. 11, 1865. |
| <i>Broom</i> | June 13, 1865. | <i>Findhorn</i> | Mar. 7, 1865. |
| <i>Brora</i> | Mar. 11, 1865. | <i>Fleet</i> (Sutherland- | Mar. 11, 1865. |
| <i>Carradale</i> | Jan. 26, 1866. | landshire). | |
| <i>Carron</i> | Mar. 11, 1865. | <i>Fleet</i> (Kirkcud- | May 10, 1864. |
| <i>Clyde and Leven</i> | Mar. 7, 1865. | bright). | |
| <i>Conon</i> | Mar. 7, 1865. | <i>Fors</i> | May 10, 1864. |

(a) See note, p. 117.

| Names of Rivers. | Date from which Byelaw took effect. | Names of Rivers. | Date from which Byelaw took effect. |
|--|---|--|---|
| <i>Forth</i> | Mar. 14, 1865. | <i>Lossie</i> | Mar. 11, 1865. |
| <i>Fyne, Shira, and Aray (Loch Fyne).</i> | Mar. 11, 1865. | <i>Luce</i> | Mar. 7, 1865. |
| <i>Girvan</i> | May 10, 1864. | <i>Lussa (Mull) and River, Loch Uisk to Loch Buy.</i> | Aug. 4, 1865. |
| <i>Glenelg</i> | Mar. 11, 1865. | <i>Moidart</i> | Mar. 11, 1865. |
| <i>Gour</i> | Mar. 11, 1865. | <i>Morar</i> | Mar. 11, 1865. |
| <i>Greiss (Laxdale, and Tong or Thunga).</i> | Aug. 4, 1865. | <i>Nairn</i> | Mar. 7, 1865. |
| <i>Gruddie or Dio- nard.</i> | Mar. 11, 1865. | <i>Naver & Borgie Nell, Feochan, and Euchar (Loch Feochan).</i> | Mar. 11, 1865. |
| <i>Gruinard and Little Gruin- nard.</i> | Mar. 11, 1865. | <i>Ness</i> | Mar. 7, 1865. |
| <i>Halkdale</i> | Mar. 11, 1865. | <i>Nith</i> | Mar. 7, 1865. |
| <i>Helmsdale</i> | Mar. 11, 1865. | <i>Ormsary (Loch Killisport), Loch Head River and Storn- noway (Mull).</i> | Aug. 4, 1865. |
| <i>Hope and Polla, or Strathbeg.</i> | Mar. 11, 1865. | <i>Pennygown or Glenforsa, and Aros.</i> | Aug. 4, 1865. |
| <i>Inchard</i> | Mar. 11, 1865. | <i>Resort</i> | Aug. 4, 1865. |
| <i>Inner (in Jura)...</i> | Jan. 26, 1866. | <i>Ruel</i> | Mar. 11, 1865. |
| <i>Inver</i> | Jan. 26, 1866. | <i>Sanda</i> | Mar. 11, 1865. |
| <i>Iorsa (in Arran)</i> | Mar. 11, 1865. | <i>Scaddle</i> | Mar. 11, 1865. |
| <i>Irvine and Gar- noch.</i> | Mar. 11, 1865. | <i>Shiel, Loch Shiel</i> | Mar. 11, 1865. |
| <i>Kennart</i> | Mar. 11, 1865. | <i>Sligachan, Broad- ford, and Por- trees.</i> | Aug. 4, 1865. |
| <i>Kilchoan or Inve- rie (Loch Nevis)</i> | Mar. 11, 1865. | <i>Snizort, Orley</i> | Aug. 4, 1865. |
| <i>Kinloch (Kyle of Tongue).</i> | Mar. 11, 1865. | <i>Oze (and Loch Bracadale), and Drynoch (Loch Harport).</i> | |
| <i>Kirkaig</i> | Mar. 11, 1865. | <i>Spey</i> | Mar. 7, 1865. |
| <i>Kishorn</i> | Mar. 11, 1865. | <i>Stinchar</i> | May 10, 1864. |
| <i>Kyle of Suther- land.</i> | Mar. 7, 1865. | <i>Strathy</i> | Mar. 11, 1865. |
| <i>Laggan and Sorn (in Islay).</i> | Jan. 26, 1866. | <i>Tay</i> | May 10, 1864. |
| <i>Laxford</i> | Mar. 11, 1865. | <i>Thurso</i> | Mar. 11, 1865. |
| <i>Leven</i> | Mar. 11, 1865. | <i>Torridon, Balgay and Shielday.</i> | Mar. 11, 1865. |
| <i>Little Loch Broom</i> | June 13, 1865. | <i>Ugie</i> | Mar. 7, 1865. |
| <i>Lochy</i> | Aug. 4, 1865. | <i>Ullapool</i> | June 13, 1865. |
| <i>Loch Duich</i> | June 13, 1865. | <i>Urr</i> | May 10, 1864. |
| <i>Loch Luig</i> | June 13, 1865. | <i>Wick</i> | Mar. 11, 1865. |
| <i>Loch Roag (Lewis), Rivers Blackwater, Grimersta, and Moresgail.</i> | Aug. 4, 1865. | <i>Ythan</i> | May 10, 1864. |

BYELAW.

25th and 26th Vict. cap. 97.

26th and 27th Vict. cap. 50.

27th and 28th Vict. cap. 118.

“ Acts to regulate and amend the law respecting the salmon fisheries of Scotland.”

We, the commissioners appointed under the said Acts, and empowered thereby “to make general regulations with respect to the construction and use of cruives,” do hereby make the following general regulations with respect to the construction and use of cruives:

1. The upper surface of the sill of each cruive shall be not higher than 12 inches above the natural bed of the river where the cruive is placed, and in the event of the sill being placed any higher than the natural bed of the river there must be a paved floor or apron to it down stream, at least as wide as the cruive, having its lower end not higher than the natural level of the river, and having a slope not steeper than one in six; and otherwise, the cruives shall be so constructed as to afford a ready and easy passage for the fish during the annual and weekly close times.
2. No cruive shall be less at any part of it than 4 feet broad in the clear: Provided that where an upright post is used to support the cruive, thereby dividing the width into two parts, the aggregate width exclusive of such post shall not be less than 4 feet.
3. The hecks or rails and inscales shall be capable of being removed from the cruive, and shall be removed during the annual close time. During the weekly close time the hecks or rails shall be removed, and the inscales shall either be removed or kept open for the space of 4 feet.
4. The bars of the upper hecks or rails shall be placed perpendicularly, not less than 3 inches apart, and they shall not be more than 2 inches thick, and not more than 4 inches broad in the up and down way of the stream, and they shall have their edges rounded off, so that only $1\frac{1}{2}$ inches in breadth of the whole thickness of two inches shall remain in the side of the hecks or rails in the up and down way of the stream.
5. The bars of the inscales shall not be of larger dimensions than those of the hecks or rails, and they shall not be less than two inches apart.
6. Each side or half of the inscales shall not be less than 3 feet long for a cruive 4 feet wide in the clear, and shall be longer in the same proportion to any additional width of cruive. They shall be constructed so that the up-stream ends cannot and shall not at any time approach nearer to each other than 5 inches.

7. No net or other contrivance whatever shall be placed or used on or at any cruiue, or structure connected with a cruiue, for the purpose of catching fish, or for preventing their entry into or passing through the same; nor shall any device be employed to scare, deter, or obstruct fish from entering into or passing through any such cruiue. But, notwithstanding anything herein contained, it shall be lawful to place a canvas cloth or a wooden blind or blinds over the heck or hecks of a cruiue whilst the fish are being taken out of it, provided such cloth, blind or blinds, be not applied longer than 15 minutes at a time, or oftener than six times in the course of twenty-four hours, and that when there are more cruives than one at the same dam only one cruiue shall be covered by the cloth or blinds at the same time.
8. No cruiue shall be so constructed, inclosed, roofed, or built over, or in any other manner hidden or fenced in, as to prevent persons duly authorised from inspecting the same at all times, and ascertaining whether the law is being duly complied with.
9. No cruiue shall be so altered as to create a greater obstruction to the free passage of fish than at present exists.

WM. J. FFENNELL,
FRED. EDEN,
JAMES LESLIE, } Commissioners.

Fisheries Department, Home Office,
18th day of April, 1865.

Approved, subject to the alterations made therein,
G. GREY.

Whitehall, 19th July, 1865.

(This byelaw took effect from the 28th July, 1865.) (a)

BYELAW.

25th and 26th Vict. cap. 97.

26th and 27th Vict. cap. 50.

27th and 28th Vict. cap. 118.

“ Acts to regulate and amend the law respecting the salmon
fisheries of Scotland.”

We, the commissioners appointed under the said Acts, and empowered thereby “to make general regulations with respect to the construction and alteration of milldams or lades, or water wheels, so as to afford a reasonable means for the passage of salmon,” do hereby make the following general regulations with respect to the construction and use of milldams or lades, or water wheels:—

1. Every new dam, and every portion of any dam that may require to be renewed or repaired after this time, shall be

(a) See note, p. 117.

made and maintained water-tight, or as nearly so as possible, so that no water that can reasonably be prevented shall run through the dam; but all water not taken into the lade for the use of the mills or other lawful purpose shall be made to flow over the dam as fully as may be practicable.

2. There shall be a sluice or sluices at the intake of every mill lade. No water shall, with the exception hereinafter stated, be allowed to enter any mill lade, beyond the quantity required for the use of the water wheel or wheels of any one fall on that lade, or for other lawful purpose in the lade; that is to say, no water shall be allowed to escape from any lade into the river by means of any bye-wash or overflow, but all water not required for the uses aforesaid shall be made to flow over the dam into the river as far as may be practicable.

At the option of the millers or manufacturers, this provision may be carried out either by shutting the sluice or sluices at the intake of the lade, or by raising the banks of the lade to a height that will prevent an overflow of water from the lade when the sluice at the wheel and the bye-wash sluice hereinafter mentioned are both kept shut. Provided always, that the said byelaw shall not apply to millers or manufacturers when taking measures necessary for the protection of their premises during heavy floods, or when rivers are cumbered with ice, or while necessary repairs are being executed on any emergency, provided that nothing be omitted or done unnecessarily to defeat the objects of this byelaw. Furthermore, in all cases when the intake sluice is more than 300 yards from the water wheel, it shall not be imperative to shut the intake sluice, or to keep the bye-wash sluice shut, during ordinary meal hours, or during any stoppage of the wheel not exceeding an hour at a time.

3. At the intake of every lade there shall be placed and constantly kept a heck or grating for each opening, or one embracing the whole openings, the bars to be not more than three inches apart, if horizontal, and not more than two inches if vertical.
4. A similar heck or grating shall be placed and constantly kept across the lade or troughs immediately above the entrance to each mill wheel.
5. A similar heck or grating shall be placed and constantly kept across the lower end of each tail lade at its entrance into the main river.

NOTE.—To prevent any obstruction to the flow of the water by the hecks or gratings in the lades, it is recommended that the lade should be increased in width where the hecks are placed, and that the heck, instead of being in a straight line across,

should be curved or pointed up or down stream, and thereby increased in length, so that the aggregate of the openings between the bars shall exceed the sectional area (or waterway) of the lade, and thus compensate for the space occupied by the bars.

6. There shall be a byewash sluice placed as near as practicable above each water wheel in the embankment of the lade, of not less than three feet in width, with its sill as low as the bottom of the lade, and the said sluice shall be raised to a height sufficient to allow the smolts to descend for at least five but not exceeding eight hours each week from the 15th March to the 1st July, not more than six days intervening between each time of opening.

There shall be a salmon pass or ladder on the down stream face of every dam, weir, or cauld, capable of affording a free passage for the ascending fish at all times when there is water enough in the river to supply the ladder. The width shall not be less than four feet in the clear in rivers of less than one hundred feet in breadth at the site of the dam, nor less than five feet in breadth in rivers of less than two hundred feet and more than one hundred feet in breadth as aforesaid, nor less than six feet in breadth in rivers of more than two hundred feet in breadth as aforesaid; the upper sill shall be not less than six inches below the lowest part of the crest of the dam for the whole width of the ladder; the inclination shall in no case be steeper than five horizontal to one perpendicular, but, wherever practicable, shall be seven or eight horizontal to one perpendicular, and in all cases shall be provided with breaks or stops placed at suitable intervals, so as to lessen the velocity of the current sufficiently to allow the fish to ascend without difficulty.

The foot of the ladder shall be placed where there is most running water, and with the best lead for the fish to approach it; and if the ladder should project beyond the toe of the dam, there shall be an apron of stone formed to the dam, extending as far down the river as the entrance to the pass or ladder, and extending throughout the whole length of the dam at either side of the ladder, and on a high-enough level to prevent there being any pool in the river, or sufficient depth of water farther up than the entrance to the said pass or ladder, by which the fish might be induced to remain there obstructed in their ascent, and not be led to the ladder.

NOTE.—The Commissioners would recommend the following details to be adopted in the construction of salmon ladders, in addition to those given in the foregoing byelaw, but do not insist on them, provided some other perfectly efficient arrangement be

substituted—viz., the side walls to be not less than twenty-two inches in height; the breaks to be not less than eighteen inches in height, with openings of ten inches in breadth at the alternate ends of each break, and five feet apart in cases where the gradient of the ladder is one in five and of a greater distance, but the same proportions being maintained where the gradient is easier than one in five.

7. No dam shall be so altered as to create a greater obstruction to the free passage of fish than at present exists.

WM. J. FFENNELL,
FRED. EDEN,
JAMES LESLIE, } Commissioners.

Fisheries Department, Home Office,
29th day of April, 1865.

Approved, subject to the alterations made therein,
G. GREY.

Whitehall, 19th July, 1865.

(This byelaw took effect from the 28th July, 1865.) (a)

(a) See note, p. 117.

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